

<div>1</div> <div>IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA</div> <div>STATE OF TEXAS,) Plaintiff,) VS.) ERIC H. HOLDER, JR. in his) official capacity as Attorney) General of the United States,) Defendant,) ERIC KENNIE, et al,) Defendant-Intervenors,) TEXAS STATE CONFERENCE OF) CASE NO. 1:12-CV-00128 NAACP BRANCHES,) (RMC-DST-RLW) Defendant-Intervenors,) Three-Judge Court TEXAS LEAGUE OF YOUNG VOTERS) EDUCATION FUND, et al,) Defendant-Intervenors,) TEXAS LEGISLATIVE BLACK) CAUCUS, et al,) Defendant-Intervenors,) VICTORIA RODRIGUEZ, et al.,) Defendant-Intervenors.) ***** ORAL DEPOSITION OF REPRESENTATIVE MAY HELEN GIDDINGS JUNE 6, 20112 *****</div>	<div>3</div> <div>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</div> <div>APPEARANCES FOR THE PLAINTIFF, STATE OF TEXAS: Matthew Frederick Stacey Napier OFFICE OF THE ATTORNEY GENERAL OF TEXAS P.O. Box 12548 Austin, TX 78711-2548 209 West 14th Street 8th Floor Austin, TX 78701 (512) 936-1307 matthew.frederick@texasattorneygeneral.gov FOR THE DEFENDANT, HOLDER, ET AL: Angela Miller Jennifer Maranzano U.S. DEPARTMENT OF JUSTICE 950 Pennsylvania Avenue, NW NWB - Room 7202 Washington, DC 20530 (202) 305-7766 angela.miller5@usdoj.gov FOR THE DEFENDANT-INTERVENOR TEXAS STATE CONFERENCE OF NAACP BRANCHES AND THE MEXICAN AMERICAN LEGISLATIVE CAUCUS: John K. Tanner (for Ezra D. Rosenberg) DECHERT, LLP Suite 500 902 Carnegie Center Princeton, NJ 08540-6531 (609) 955-3200 john.k.tanner@gmail.com ezra.rosenberg@dechert.com</div>
<div>2</div> <div>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</div> <div>ORAL DEPOSITION OF REPRESENTATIVE MAY HELEN GIDDINGS, produced as a witness at the instance of the Defendant, was duly sworn, was taken in the above-styled and numbered cause on the JUNE 6, 20112, from 9:43 a.m. to 12:59 p.m., before Chris Carpenter, CSR, in and for the State of Texas, reported by machine shorthand, at the offices of Attorney General for the State of Texas, 209 West 14th Street, 1st Floor Conference Room, Austin, TX 78701 Austin, Texas 78701, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.</div>	<div>4</div> <div>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</div> <div>INDEX Appearances.....3 REPRESENTATIVE MAY HELEN GIDDINGS Examination by Mr. Frederick.....5 Examination by Mr. Tanner.....98 Examination by Ms. Miller.....108 Signature and Changes.....112 Reporter's Certificate.....114 EXHIBITS NO. DESCRIPTION PAGE MARKED 1 Amended Notice of Deposition 13 2 Photos of Members of the Texas Legislative 17 Black Caucus 3 Motion For Leave To Intervene As 33 Defendants</div>



<p style="text-align: center;">5</p> <p>1 REPRESENTATIVE MAY HELEN GIDDINGS, 2 having been first duly sworn to testify the truth, the 3 whole truth, and nothing but the truth, testified as 4 follows: 5 EXAMINATION 6 BY MR. FREDERICK. 7 Q. Good morning, Representative Giddings. 8 A. Good morning. 9 Q. Please state your full name for the record. 10 A. May Helen Giddings. 11 Q. Thank you. My name is Matt Frederick. I 12 represent the State of Texas in the lawsuit styled Texas 13 versus Holder. Have you ever been deposed before? 14 A. I can't remember. I think I was many years 15 ago. 16 Q. Okay. Well, I'll go over some ground rules in 17 a minute just to reacquaint you. 18 A. Okay. 19 Q. Are you suffering from any illness today that 20 will affect your ability to answer my questions 21 accurately? 22 A. No. 23 Q. Are you taking any medication that might affect 24 your ability to provide accurate answers to my 25 questions?</p>	<p style="text-align: center;">7</p> <p>1 Caucus's counsel? 2 A. John Tanner. 3 Q. And you understand that you have been 4 designated to provide testimony on behalf of the Texas 5 Legislative Black Caucus today? 6 A. Yes. 7 Q. So I will try and be clear if I'm referring to 8 you personally or to the Caucus, but my -- unless I 9 otherwise indicate, my questions will be directed toward 10 the Caucus as a whole. 11 A. Yes. 12 Q. Thanks. What did you do to get ready for your 13 deposition today? 14 A. I reviewed the Senate Bill 14. I did a little 15 search, a little research surrounding the bill as it was 16 on the Floor, and I had a brief conversation with the -- 17 with the Black Caucus's general counsel. 18 Q. Who is the Legislative Black Caucus's general 19 counsel? 20 A. Or -- the Caucus is represented by John Tanner, 21 so general counsel is probably the wrong word, just 22 counsel, I suppose. 23 Q. How long did that meeting with Mr. Tanner last 24 about? 25 A. Well, we had dinner, and we talked about this</p>
<p style="text-align: center;">6</p> <p>1 A. No. 2 Q. Are you aware of anything else that might 3 prevent you from accurately answering my questions 4 today? 5 A. No. 6 Q. Okay. A couple of ground rules. One, maybe 7 the most important, is to just answer audibly so that 8 the court reporter can take down what we're saying. So 9 instead of nodding your head, he would prefer that you 10 say "yes" or "no." 11 A. Uh-huh. Yes. 12 Q. And if you don't understand any question that I 13 ask, please tell me, and I will happy to rephrase it. 14 Okay? 15 A. That's fine. 16 Q. Thanks. And please wait until I finish a 17 question to start answering just so we're not talking 18 over each other, and I will also to do my best not to 19 ask a question while you're still answering. Okay? 20 A. Fine. 21 Q. Okay. Are you represented by counsel today? 22 A. I am not. I am here representing the Texas 23 Legislative Black Caucus, and the Black Caucus has 24 counsel. I personally do not. 25 Q. Okay. And who is the Legislative Black</p>	<p style="text-align: center;">8</p> <p>1 among other things, so it lasted probably an hour or so 2 last evening. And then we had about a 20-minute 3 breakfast this morning, some of which I spent talking 4 about the Celtics game. 5 Q. What research did you do specifically to 6 prepare for this deposition? 7 A. I took a look at the amendments that members of 8 the Texas Legislative Black Caucus had proposed during 9 the debate. I took a look at Senate Bill 4 -- Senate 10 Bill 14. And I looked at the House research 11 organization piece. Pardon me. I looked at the letter 12 from -- that the Department of Justice sent to the 13 State, briefly this morning. And I looked at -- I don't 14 know what you call it, the notice of intention to take 15 oral deposition of -- I looked at that. 16 Q. All right. 17 A. Additionally, I recalled that some of the 18 conversations and so forth that had happened with my 19 office regarding this particular legislation, and I 20 tried to find an e-mail as it related to that. 21 Q. What was the e-mail that you tried to find? 22 A. Well, it was an e-mail from Riley Simmons, who 23 back in December of 2011, I believe it was, was very, 24 very concerned about the chilling effect that this bill 25 would have on voter turnout, particularly for elderly</p>



<p style="text-align: center;">9</p> <p>1 African Americans and for students. And Mr. Simmons</p> <p>2 called our office and asked if we could make available</p> <p>3 the Department of Public Safety coming out on site,</p> <p>4 doing on-site registrations for the elderly so that they</p> <p>5 would not have to go down to the Department of Public</p> <p>6 Safety and stand in line for a very long time. Many of</p> <p>7 them might not be able to do that.</p> <p>8 And also, because we had some colleges,</p> <p>9 that there was some concern about students there who</p> <p>10 might not have a driver's license because they might not</p> <p>11 drive, and their student ID could not be used. And</p> <p>12 therefore, they might be absent what was required under</p> <p>13 Senate Bill 14 to be able to vote.</p> <p>14 Q. Did you find that e-mail?</p> <p>15 A. I found our response to Mr. Simmons. I did not</p> <p>16 find his e-mail. I did find our response to him. And</p> <p>17 our response to him said our having worked with the</p> <p>18 Department of Public Safety, the Department of Public</p> <p>19 Safety said to us that they would come out and offer</p> <p>20 education and guidance to the citizens that were bussed</p> <p>21 into a particular site, but they were unable to set up</p> <p>22 on-site registration.</p> <p>23 Q. Do you know if that e-mail has been or the --</p> <p>24 or Mr. Simmons -- I'm sorry. Is it Mr. or Mrs. Simmons?</p> <p>25 A. It's Mr. Simmons. Riley Simmons.</p>	<p style="text-align: center;">11</p> <p>1 organization report, and that's -- and the documents</p> <p>2 that we've already talked about.</p> <p>3 Q. Okay.</p> <p>4 A. That's -- oh, some amendments that were filed</p> <p>5 by members of the legislative -- Texas Legislative Black</p> <p>6 Caucus.</p> <p>7 Q. Do you have copy of the e-mail we were</p> <p>8 discussing with Mr. Simmons?</p> <p>9 A. Yes, I do.</p> <p>10 Q. Okay. Do you mind if I looked at that e-mail?</p> <p>11 A. No, sure don't. (Handed to counsel.)</p> <p>12 Q. Thanks.</p> <p>13 Did you talk to anyone else about your</p> <p>14 deposition today besides Mr. Tanner?</p> <p>15 A. Well, yes, just in passing, but no details. My</p> <p>16 staff knows I'm here to do a deposition on -- on voter</p> <p>17 ID, you know, I -- but in terms of the details of what I</p> <p>18 might -- my testimony is or whatever, no, I -- I can't</p> <p>19 think of anyone that I talked to about it.</p> <p>20 I mean, we've had a conversation with</p> <p>21 Mr. Tanner, with the chair of the Legislative Black</p> <p>22 Caucus some time ago, I think before I was asked to</p> <p>23 provide whatever testimony I could provide, and</p> <p>24 certainly probably the director of the Texas Legislative</p> <p>25 Black Caucus was on that conversation and maybe other</p>
<p style="text-align: center;">10</p> <p>1 Q. Do you know if Mr. Simmons e-mail has been</p> <p>2 produced in this litigation?</p> <p>3 A. I don't know that it has. I just -- I just</p> <p>4 recall that very, very vividly because, you know, I said</p> <p>5 to Mr. Simmons, this -- this issue has not finally been</p> <p>6 decided just yet. But there was a lot of confusion, or</p> <p>7 I should say concern in the community and believing</p> <p>8 that, in fact, everything had been cleared and this</p> <p>9 legislation was, in fact, in place. And so, you know, I</p> <p>10 was trying to tell him I wasn't sure that we were, you</p> <p>11 know, quite where he was yet and let the process play</p> <p>12 out. So I don't know is the answer to that question.</p> <p>13 Q. You mentioned a letter from the Department of</p> <p>14 Justice to the State. Was that the March 12th letter</p> <p>15 where the department objected to Senate Bill 14?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Great.</p> <p>18 A. I saw it for the first time last night, and I</p> <p>19 reviewed it for the first time for a few minutes this</p> <p>20 morning, and a lot of legalese there so I don't know how</p> <p>21 much I know about that.</p> <p>22 Q. And it looks like you've brought some documents</p> <p>23 with you today. Can you tell me what those documents</p> <p>24 are?</p> <p>25 A. Senate Bill 14. The House research organ --</p>	<p style="text-align: center;">12</p> <p>1 members. I don't know. It was the chair, to the best</p> <p>2 of my memory, some weeks ago calling a meeting, a</p> <p>3 telephone meeting.</p> <p>4 Q. Do you know how you were designated to testify</p> <p>5 on behalf of the Legislative Black Caucus?</p> <p>6 A. No, I do not. I'll be perfectly honest with</p> <p>7 you and tell you that we have members in the legislature</p> <p>8 that are experts on various issues and --</p> <p>9 Q. And are you an expert --</p> <p>10 A. No.</p> <p>11 Q. -- on SB 14?</p> <p>12 A. No.</p> <p>13 Q. Okay. Is there any member of the Legislative</p> <p>14 Black Caucus who is an expert on SB 14 to your</p> <p>15 knowledge?</p> <p>16 A. Well, to my knowledge, and now, you know, this</p> <p>17 is my personal opinion.</p> <p>18 Q. Sure.</p> <p>19 A. And I'm here speaking on behalf of the Caucus,</p> <p>20 but the person I think who sat on the committee was</p> <p>21 Mr. Veasey, I believe, and so because he sits on that</p> <p>22 committee and he knows what transpired, I would say, but</p> <p>23 it's my understanding, and I could be wrong, that he has</p> <p>24 presented himself as somebody who has an issue.</p> <p>25 Q. Right.</p>



<p style="text-align: center;">13</p> <p>1 A. And so I'm suspecting that at some point in 2 time, whatever it is he has to say, he will have an 3 opportunity to say it.</p> <p>4 MR. TANNER: Just to clarify for the 5 record, again, Representative Giddings is appearing as a 6 witness for the Caucus. Mr. Veasey has separate 7 representation in this. And she's here as the witness 8 for the Caucus as the organization.</p> <p>9 MR. FREDERICK: Right. Okay. Thanks. 10 (Exhibit 1 marked for identification.)</p> <p>11 Q. (By Mr. Frederick) Do you recognize this 12 document?</p> <p>13 A. Yes.</p> <p>14 Q. Can you tell me what this document is?</p> <p>15 A. It's -- it says it's the -- well, I'm not sure, 16 amended notice of intention. I'm trying to see. I 17 don't think I've ever seen that document before, because 18 the document that I have says "notice of intention to 19 take oral deposition," and this document says "amended 20 notice."</p> <p>21 Q. Okay.</p> <p>22 A. So --</p> <p>23 Q. The document that you have that's the notice of 24 intention, is there a date on that document for the 25 deposition?</p>	<p style="text-align: center;">15</p> <p>1 Q. Now, turning back to Topic 1, are you prepared 2 to testify about Topic 1 today?</p> <p>3 A. I believe that I am.</p> <p>4 Q. Other than what we talked about a moment ago, 5 the documents you reviewed and conversations you had, 6 did you do anything specific to prepare to testify about 7 Topic 1?</p> <p>8 A. I did not.</p> <p>9 Q. And then on Page 2, let's see, there's Topic 10 2. Have you been designated to testify about Topic 2?</p> <p>11 A. Yes.</p> <p>12 Q. And are you prepared to testify about Topic 2 13 today?</p> <p>14 A. Yes.</p> <p>15 MR. TANNER: Subject to objections of 16 which we have notified the state beforehand.</p> <p>17 Q. (By Mr. Frederick) And moving down Topic 3, 18 have you been designated to testify about Topic 3?</p> <p>19 A. Could we pause here and let me get clarity?</p> <p>20 Q. Of course.</p> <p>21 A. Let me say that I am here as the witness for 22 the Texas Legislative Black Caucus. I'm not an 23 attorney. And so, you know, if these are legal issues 24 or they require legal standards, you know, we'll just 25 see, you know, when you get to the questions on these</p>
<p style="text-align: center;">14</p> <p>1 A. Oh, May 24th.</p> <p>2 Q. Okay.</p> <p>3 A. Uh-huh.</p> <p>4 Q. And what is the date on the amended notice of 5 deposition?</p> <p>6 A. That I've just been handed, June 6th.</p> <p>7 Q. Okay. Let me direct your attention down to the 8 bottom of the first page, there's a number, and then a 9 sentence that starts, "The factual basis." Do you see 10 that?</p> <p>11 A. Yes, I do.</p> <p>12 Q. Have you been designated to testify on this 13 topic, to your understanding?</p> <p>14 A. Have I been designated to testify on Item 15 Number 1?</p> <p>16 Q. Correct.</p> <p>17 A. Yes.</p> <p>18 Q. Let me ask you, but before we get into this, 19 is -- you'll notice on Pages 1 and 2, there are -- 20 there's a list of 11 items.</p> <p>21 A. Uh-huh.</p> <p>22 Q. Is this list the same as the list that was 23 included on the original notice of intention?</p> <p>24 A. A quick look would indicate -- yes, the pages 25 look the same.</p>	<p style="text-align: center;">16</p> <p>1 particular ones.</p> <p>2 But as far as I am concerned, when we 3 looked at these, as far as I know, when we looked at 4 these on last evening, these are the questions that you 5 said you would want the Legislative Black Caucus to 6 speak to, and so in that regard, that's -- that's why 7 I'm here.</p> <p>8 As to whether or not I'm going to be an 9 expert or have knowledge of legal standards on all these 10 questions, I think that will be determined, 11 Mr. Frederick, as we go forth.</p> <p>12 Q. That's a fair point. And I'll tell you, I'm 13 not asking for a legal answer and --</p> <p>14 A. Okay.</p> <p>15 Q. -- and so that we can just move through it, 16 I'll just ask you generally.</p> <p>17 A. Okay.</p> <p>18 Q. The 11 topics that are listed in this notice, 19 are you prepared to testify about those topics on behalf 20 of the Legislative Black Caucus?</p> <p>21 A. To the best of my -- excuse me, didn't mean to 22 talk over you. To the best of my knowledge, I am.</p> <p>23 Q. Thank you. What are the requirements for 24 membership in the Texas Legislative Black Caucus?</p> <p>25 A. Any member who is of African American descent</p>



<p>17</p> <p>1 can join.</p> <p>2 Q. Is the Legislative Black Caucus made of</p> <p>3 exclusively of members of the Texas House of</p> <p>4 Representatives?</p> <p>5 A. The two senators are also considered members of</p> <p>6 the Texas Legislative Black Caucus. I notice that this</p> <p>7 is -- some of these things I'm seeing for the first time</p> <p>8 but maybe on the website they're not listed, but</p> <p>9 certainly, we consider them members. And as far as I</p> <p>10 know, they consider themselves members. And we work</p> <p>11 together on pretty much everything.</p> <p>12 Q. Do you mind, can we mark that as an exhibit?</p> <p>13 MR. TANNER: Certainly. I'll represent</p> <p>14 that this is printed out of the Legislative Black</p> <p>15 Caucus's website, and there's a list of members with</p> <p>16 their photographs and other information.</p> <p>17 MR. FREDERICK: We'll mark that as Number</p> <p>18 2, please.</p> <p>19 (Exhibit 2 marked for identification.)</p> <p>20 Q. (By Mr. Frederick) Representative Giddings,</p> <p>21 I'm handing you what we've just marked as Exhibit 2, and</p> <p>22 I believe that we all know what this is, but can you</p> <p>23 just identify this for the record, please?</p> <p>24 A. Yes. It is a document with photos of members</p> <p>25 of the Texas Legislative Black Caucus that are in the</p>	<p>19</p> <p>1 today, as far as I know, there is no one who takes part</p> <p>2 in our meetings and so forth, except those members who</p> <p>3 are currently serving.</p> <p>4 Q. And you that believe if there is a provision</p> <p>5 for former members to -- former members of the House or</p> <p>6 Senate to be members of the Legislative Black Caucus,</p> <p>7 that would probably in the bylaws of the organization?</p> <p>8 A. I think it would probably be. Yes. Uh-huh.</p> <p>9 Q. And Exhibit Number 2, which we've discussed is</p> <p>10 the current members of the House, there are no former</p> <p>11 members of the House on that --</p> <p>12 A. No.</p> <p>13 Q. -- currently? Thank you.</p> <p>14 Do any of the members of the Texas</p> <p>15 Legislative Black Caucus lack the photo ID required by</p> <p>16 Senate Bill 14?</p> <p>17 A. I would, of course, not have surveyed these</p> <p>18 members, but my guess would be that they all have the</p> <p>19 proper identification. That would be -- that would be</p> <p>20 my best guess.</p> <p>21 Q. So as you sit here today, can you identify</p> <p>22 any -- any specific member of the Legislative Black</p> <p>23 Caucus who does not have one of the types of ID required</p> <p>24 by SB 14?</p> <p>25 A. No. I could not identify anybody who does not</p>
<p>18</p> <p>1 House. Not my document, Mr. Tanner's document. I just</p> <p>2 happened to see it there and started reading from it.</p> <p>3 Yes.</p> <p>4 Q. As far as you can tell, and feel free to look</p> <p>5 at it, is that an accurate representation of the</p> <p>6 membership of the Texas Legislative Black Caucus as of</p> <p>7 today?</p> <p>8 A. Yes, it is. These are the members of the</p> <p>9 House. And I have not looked at this website myself, so</p> <p>10 I don't know how the senators appear there. But this</p> <p>11 is -- these are the members of the Texas House that are</p> <p>12 African American descent.</p> <p>13 Q. Can a former member of the Texas House be a</p> <p>14 member of the Texas Legislative Black Caucus or must one</p> <p>15 be a current member of the House?</p> <p>16 A. It's current members, to the best of my</p> <p>17 ability. I don't know of a former member that is -- is</p> <p>18 engaged, but let me say that I would need to go back and</p> <p>19 look at the bylaws to really answer that question with</p> <p>20 absolute certainty.</p> <p>21 And so I'm going to say we're, as far as I</p> <p>22 know, we're not engaged with any former members at the</p> <p>23 current time, but there -- I'm going to leave that a</p> <p>24 little bit open, because I believe there is a provision</p> <p>25 where there could be, but to my -- there could be, but</p>	<p>20</p> <p>1 have ID.</p> <p>2 Q. Does the Texas Legislative Black Caucus, to</p> <p>3 your knowledge, represent anyone else in this litigation</p> <p>4 besides its members?</p> <p>5 A. Its members and our constituents, I think, we</p> <p>6 represent our constituents in this -- in this matter and</p> <p>7 African Americans throughout the state in a broad sense.</p> <p>8 Q. And to be clear, constituents, although they're</p> <p>9 obviously represented by members in their capacity as</p> <p>10 legislators, they are not -- constituents are not</p> <p>11 actually members of the Texas Legislative Black Caucus?</p> <p>12 A. No. They are not.</p> <p>13 Q. Okay. Can you tell me how preclearance --</p> <p>14 well, let me first ask you, are you familiar with</p> <p>15 Section 5 of Voting Rights Act?</p> <p>16 A. I am probably not as familiar as you attorneys,</p> <p>17 but --</p> <p>18 Q. Do you understand what I mean when I say</p> <p>19 "preclearance"?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. How would preclearance of Senate Bill 14</p> <p>22 harm the Texas Legislative Black Caucus?</p> <p>23 A. I think, basically, we are -- we want to make</p> <p>24 sure that there is not an opportunity for retrogression,</p> <p>25 for the suppressing of the vote. And again, and I think</p>

<p style="text-align: center;">21</p> <p>1 at least in -- that the State, that the State has the</p> <p>2 burden of making sure that it is not discriminatory.</p> <p>3 Q. Just so I understand your testimony, so your</p> <p>4 testimony is that the Texas Legislative Black Caucus</p> <p>5 wants to ensure that there's not suppression or voters</p> <p>6 or a retrogressive effect that might happen if the</p> <p>7 Senate Bill went into effect; is that right?</p> <p>8 A. Yes.</p> <p>9 Q. But as I understand your testimony, you do not</p> <p>10 or the Caucus does not contend that its own members</p> <p>11 would be prevented from voting by SB 14; is that</p> <p>12 correct?</p> <p>13 MR. TANNER: I object. I think that</p> <p>14 misstates the witness's testimony.</p> <p>15 Q. (By Mr. Frederick) Do you -- does the Caucus</p> <p>16 contend that its members, as listed in Exhibit 2, would</p> <p>17 be prevented from voting by SB 14 if it went into</p> <p>18 effect?</p> <p>19 A. If I understand your question, if it is, would</p> <p>20 these 17 people not be able to vote as a result of the</p> <p>21 enactment of Senate Bill 14, to my knowledge, they would</p> <p>22 not be.</p> <p>23 Q. Does the Legislative Black Caucus, does it</p> <p>24 register voters?</p> <p>25 A. Well, the Legislative Black Caucus, as a body,</p>	<p style="text-align: center;">23</p> <p>1 knowledge, is that something where there might be a</p> <p>2 specific budget item or part of the Caucus's budget</p> <p>3 devoted to the summit that you mentioned?</p> <p>4 A. Once a year we have, you know, twelve, fifteen</p> <p>5 hundred, maybe more, probably more people, come to</p> <p>6 Austin to just meet with any number of people and to</p> <p>7 talk about issues that -- of concern to them, but I'm</p> <p>8 not sure how that -- how that is reflected in the</p> <p>9 budget.</p> <p>10 Q. Are there any other specific activities that</p> <p>11 the Caucus officially engages in?</p> <p>12 A. Town hall meetings, electronic town hall</p> <p>13 meetings, that kind of thing.</p> <p>14 Q. Can you tell me about how many town hall</p> <p>15 meetings the Caucus hosts or conducts per year?</p> <p>16 A. Well, that -- that really varies with what's</p> <p>17 going on and what might need to be addressed. And they</p> <p>18 happen in a number of different ways. For instance,</p> <p>19 individual members have town hall meetings all the</p> <p>20 time. And we will go from -- I'll go, some of us will</p> <p>21 go to Houston, some of the Houston people will come to</p> <p>22 Dallas. You know, we're going to Galveston,</p> <p>23 whatever. So we don't have a schedule for these, but</p> <p>24 they do happen with some degree of regularity. And</p> <p>25 again, individual members, you know, continuously have</p>
<p style="text-align: center;">22</p> <p>1 collectively, we do a number of things, but each of us</p> <p>2 acts independent and individually to some extent. And</p> <p>3 so all of us from time to time are very involved with</p> <p>4 making sure that we offer every opportunity for persons,</p> <p>5 regardless of who they are, to vote.</p> <p>6 Q. To your knowledge, is -- is there any of the</p> <p>7 Legislative Black Caucus's budget that is dedicated or</p> <p>8 set aside for voter registration?</p> <p>9 A. Unfortunately, we have a very small budget, and</p> <p>10 so we don't have a budget that is set aside for that,</p> <p>11 for voter registration.</p> <p>12 Q. Does the Caucus conduct any voter education</p> <p>13 activities?</p> <p>14 A. We do. We have a summit every year, and</p> <p>15 certainly, we talk about voter education during those</p> <p>16 summits. And we have other town hall-like meetings from</p> <p>17 time to time, and so voter education is generally</p> <p>18 permeated throughout all of our initiatives.</p> <p>19 Q. To your knowledge, is there a specific part of</p> <p>20 the Caucus's budget that's dedicated or allocated to</p> <p>21 voter education?</p> <p>22 A. If we were to say specifically, no. You know,</p> <p>23 generally, I think it's incorporated in what we do, but</p> <p>24 to have a specific line item, no, we do not.</p> <p>25 Q. You mentioned a summit. Is there, to your</p>	<p style="text-align: center;">24</p> <p>1 their own town hall meetings.</p> <p>2 Q. For the summit, you mentioned maybe 1200 to</p> <p>3 1500 people?</p> <p>4 A. I think I really underestimated. I think it's</p> <p>5 probably 2,000 or so.</p> <p>6 Q. But a lot of people?</p> <p>7 A. A lot of people. Uh-huh.</p> <p>8 Q. Do people have to -- like is there an</p> <p>9 attendance fee or a fee that people have to pay to cover</p> <p>10 materials or anything to attend the summit?</p> <p>11 A. For the most part, no, we make sure that people</p> <p>12 can -- can come.</p> <p>13 Q. Has the Texas Legislative Black Caucus hosted</p> <p>14 any speakers to address voter ID legislation?</p> <p>15 A. Not speakers. We've, you know, we are pretty</p> <p>16 much the people who try to explain to our constituents</p> <p>17 what the legislation is and what's happening.</p> <p>18 Q. Has the Caucus produced any reports, generally,</p> <p>19 on voter ID legislation?</p> <p>20 A. Not that I'm aware of.</p> <p>21 Q. Did the Caucus provide its members with any</p> <p>22 materials on voter ID for the 2011 legislative session?</p> <p>23 A. I'm not aware of any printed material, per se,</p> <p>24 and this is to the best of my memory. Remember, we're</p> <p>25 looking at 4,000 bills in a legislative session. This</p>



<p style="text-align: center;">25</p> <p>1 is certainly an important one. But so to the best of my 2 ability, I'm not aware.</p> <p>3 Q. Did the Caucus provide information to its 4 members in any other way about voter ID legislation in 5 the 2011 session?</p> <p>6 A. I think for the most part, when we come 7 together for our meetings or informal discussions or 8 that kind of thing, this is a long way of answering this 9 question. But because of who we are and because of what 10 our history is, particularly here in Texas, anything 11 that comes up that appears -- that is going to suppress 12 voter participation is a red flag for us. And it's 13 everybody starts to talking and whatever. And for the 14 most part, people don't feel that they have to do a lot 15 of research on that to know what effect that's going to 16 have, and it's just based on history.</p> <p>17 Q. Is it fair to say that any information that 18 Caucus members gathered or considered about voter ID 19 legislation in 2011 came from other members?</p> <p>20 A. I -- I couldn't speak for the entire group on 21 that. But no, I couldn't speak for the entire group. 22 But personally -- well, no, I'm speaking for the 23 Caucus. I don't remember a lot of information.</p> <p>24 There are people who are advocates for 25 various issues, and certainly, there were people who</p>	<p style="text-align: center;">27</p> <p>1 I guess I would have to say I have no specific knowledge 2 of this. Would I believe that it happened?</p> <p>3 Absolutely. But do I have specific knowledge? I do 4 not.</p> <p>5 Q. Can you recall -- do you recall at any time 6 let's say since 2009, do you recall any material or 7 information provided by the Caucus to its members about 8 voter ID?</p> <p>9 A. I can't say that I have a direct recollection 10 of that. And also remembering that every day when we go 11 into the Texas House, there's a stack of handouts that 12 people have put on the desk this tall. Some of them you 13 see, some of them you do not. But in terms of 14 remembering a specific document from the Caucus, I do 15 not.</p> <p>16 Q. And I can see that -- how high would you 17 estimate the stack of documents every day in the House?</p> <p>18 A. It's really high.</p> <p>19 Q. Like several inches?</p> <p>20 A. Several inches. In spite of the fact that the 21 House -- we've said we're going to do everything 22 electronically. I mean, you know, you put it on the 23 computer and how many people see it. So best way to get 24 them to see it, put it on their desk.</p> <p>25 MR. TANNER: I'm going to make a general</p>
<p style="text-align: center;">26</p> <p>1 were concerned about this issue outside of the Capitol. 2 And certainly, those people come and make their voices 3 heard. And you know, groups, advocacy groups tend to 4 have surveys and polls and facts and those kinds of 5 things, and it doesn't matter whether it's electricity 6 or voter participation, you know, voter ID or whatever, 7 people come to share their thoughts. So I'm sure that 8 as -- as in that kind of scenario, people came and 9 shared their thoughts about what they thought the 10 effects of this legislation might have.</p> <p>11 Q. Can you --</p> <p>12 A. My opinion.</p> <p>13 Q. Can you remember any of the individuals or 14 groups who came to talk to the Caucus about voter ID 15 legislation?</p> <p>16 MR. TANNER: And just to clarify, are you 17 talking about the Caucus as the group or individual 18 members of the Caucus?</p> <p>19 Q. (By Mr. Frederick) The Caucus as a group.</p> <p>20 A. The Caucus as a group, I cannot.</p> <p>21 Q. Can you recall, and to the extent that you 22 know, were there any advocates or advocacy groups or 23 anyone, really, who came to talk to individual members 24 of the Caucus about voter ID?</p> <p>25 A. I don't have specific knowledge of this, and so</p>	<p style="text-align: center;">28</p> <p>1 objection, moving forward. I think a lot of the 2 questioning assumes a level of structure to the 3 activities of the Texas Legislative Black Caucus that 4 may be present in many organizations, including the 5 Texas Attorney General's Office and the Department of 6 Justice and most corporations, that has -- that has not 7 been shown to exist in the Caucus. I believe the 8 witness testified about the members taking an individual 9 action, and I think that will clarify things moving 10 forward if we bear that in mind.</p> <p>11 MR. FREDERICK: I appreciate that. And 12 that's fair. I think that's part of just what I'm 13 trying to figure out, and so I appreciate that.</p> <p>14 Q. (By Mr. Frederick) You're aware that the 15 Caucus has intervened with other parties in this 16 lawsuit; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. And those parties include the League of Women 19 Voters of Texas, the Justice Seekers, and some 20 individuals as well; is that right?</p> <p>21 A. Yes. Is that -- is that the full list? Oh, 22 you're the person who's asking the questions, but I 23 thought the list was longer.</p> <p>24 Q. Well, are you aware that the Caucus has joined 25 with the League of Women Voters of Texas in this</p>



<p style="text-align: center;">29</p> <p>1 lawsuit?</p> <p>2 A. I am aware that the League of Women Voters is</p> <p>3 party to this.</p> <p>4 Q. Okay. And you're aware that there was a --</p> <p>5 that they moved, the League of Women Voters moved with</p> <p>6 the Caucus to intervene; is that right?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 A. I -- I understand that we are both intervenors</p> <p>10 and, you know, how together that is or whether we've</p> <p>11 said to them something or they've said to us something,</p> <p>12 I don't know anything about that. But I'm aware that</p> <p>13 we're both intervenors.</p> <p>14 Q. Okay. Did the Legislative Black Caucus meet</p> <p>15 with the League of Women Voters of Texas during the 2011</p> <p>16 legislative session?</p> <p>17 A. As a group, we did not, to the best of my</p> <p>18 ability. Also remembering, I think it's important,</p> <p>19 Mr. Frederick, to say that because of our very, very</p> <p>20 busy schedules at -- while we're in session, many times</p> <p>21 one of us, including -- I might not be in all of the</p> <p>22 meetings just due to other things, so to the best of my</p> <p>23 ability, we did not meet with the League of Women Voters</p> <p>24 as a group when I was present.</p> <p>25 Q. Has the Caucus, to your knowledge, met with the</p>	<p style="text-align: center;">31</p> <p>1 vast majority of the members or he takes a telephone</p> <p>2 poll or that kind of thing. That's generally. How the</p> <p>3 decision was made in this particular instance, I'm not</p> <p>4 -- I'm not sure that I know the answer.</p> <p>5 Q. Do you know -- do you recall a meeting where</p> <p>6 the chairman took a vote or a poll of the members about</p> <p>7 whether to intervene in this lawsuit?</p> <p>8 A. I am sure that --</p> <p>9 MR. TANNER: Are you asking whether there</p> <p>10 was a meeting?</p> <p>11 MR. FREDERICK: Right -- yes, right now</p> <p>12 just whether there was meeting where there was a vote or</p> <p>13 a poll.</p> <p>14 A. I don't know that there was an in-person</p> <p>15 meeting. There are lots of telephonic meetings with us,</p> <p>16 and I had a knowledge that this was an issue that the</p> <p>17 Caucus would be involved in because of our interest in</p> <p>18 these matters. Today I couldn't tell you how that --</p> <p>19 how that played out.</p> <p>20 Q. (By Mr. Frederick) Do you personally recall,</p> <p>21 whether in person or by phone or even in e-mail, being</p> <p>22 asked for a vote or asked if you wanted to intervene or</p> <p>23 wanted the Caucus to intervene in this lawsuit?</p> <p>24 A. I am sure that that took place, and if I were</p> <p>25 to guess, I would say it was by phone, and that would be</p>
<p style="text-align: center;">30</p> <p>1 League of Women Voters at any time before moving to</p> <p>2 intervene in this lawsuit?</p> <p>3 A. Not that I'm aware of. I might also say that,</p> <p>4 you know, on a personal basis, the League of Women</p> <p>5 Voters is so active as it relates to voter rights and</p> <p>6 those kinds of things, that any of us individually at</p> <p>7 one time or another might be in meeting with members of</p> <p>8 the League of Women Voters. They hold a lot of voter</p> <p>9 education seminars and that kind of thing. But in terms</p> <p>10 of them meeting, the League of Women Voters meeting with</p> <p>11 the Caucus as a group, I don't recall that.</p> <p>12 Q. Do you know how the Caucus decided to join with</p> <p>13 the League of Women Voters in seeking to intervene in</p> <p>14 this lawsuit?</p> <p>15 A. The very nature of --</p> <p>16 MR. TANNER: I'm going to object to that</p> <p>17 as attorney-client and instruct the witness not to</p> <p>18 answer.</p> <p>19 Q. (By Mr. Frederick) Do you know who -- or who</p> <p>20 in the Caucus, if anyone, would have made the decision</p> <p>21 to join with the League of Women Voters in intervening</p> <p>22 in this lawsuit?</p> <p>23 A. The way these decisions are generally made is</p> <p>24 the chairman of the Caucus either calls a meeting and</p> <p>25 gets a sense that he has the vast -- the support of the</p>	<p style="text-align: center;">32</p> <p>1 my guess.</p> <p>2 Q. To your knowledge, were -- were you ever</p> <p>3 specifically asked whether -- were you specifically</p> <p>4 asked about intervening in this lawsuit with any other</p> <p>5 group like the League of Women Voters or Justice</p> <p>6 Seekers?</p> <p>7 A. Not -- not --</p> <p>8 MR. TANNER: You're asking about her</p> <p>9 personal views?</p> <p>10 MR. FREDERICK: You, yes.</p> <p>11 MR. TANNER: I think that's outside the</p> <p>12 scope of the deposition.</p> <p>13 MR. FREDERICK: Okay.</p> <p>14 Q. (By Mr. Frederick) Are you aware of any vote</p> <p>15 or poll taken by the Caucus to determine whether it</p> <p>16 should join in intervening in this lawsuit with the</p> <p>17 League of Women Voters, Justice Seekers or anyone else?</p> <p>18 A. I think what makes that -- that question just a</p> <p>19 little bit confusing for me, Mr. Frederick, is you</p> <p>20 continue to say with the League of Women Voters or</p> <p>21 something or Justice Seekers or somebody else. And you</p> <p>22 know, I'm not sure that we so much joined up</p> <p>23 intentionally with somebody else or if we decided to</p> <p>24 intervene based on what we believe was the best interest</p> <p>25 of those people that we represent. That's -- so that I</p>



<p style="text-align: center;">33</p> <p>1 just don't think I can speak to that at all or 2 adequately.</p> <p>3 Q. Well, let me show --</p> <p>4 A. I guess it's a little bit legal to me in terms 5 of joining the League of Women Voters or Justice 6 Seekers, per se, rather than, you know, the Caucus 7 acting on it and what was in the best interest of the 8 people that they represent.</p> <p>9 Q. I understand. And let me -- I'll show you 10 something that I think will maybe explain a little bit 11 what I mean when I say that.</p> <p>12 A. All right.</p> <p>13 Q. I understand that's probably confusing.</p> <p>14 MR. FREDERICK: Will you please mark this 15 as 3?</p> <p>16 (Exhibit 3 marked for identification.)</p> <p>17 Q. (By Mr. Frederick) I'm handing you what has 18 been be marked as Deposition Exhibit 3. Are you 19 familiar with this document?</p> <p>20 A. Personally -- well, this is kind of hard to 21 answer on behalf of the Caucus because it does require a 22 personal -- I'm not familiar with this document, no.</p> <p>23 Q. Just for the record, can you identify what this 24 document says it is?</p> <p>25 A. It says it's a Motion For Leave To Intervene As</p>	<p style="text-align: center;">35</p> <p>1 client conversation or work product. I mean, this has 2 been filed in the lawsuit.</p> <p>3 MR. TANNER: Well, the document speaks for 4 itself, and it's a legal brief, and this is a 5 nonattorney factual witness.</p> <p>6 MR. FREDERICK: I understand, and I'm just 7 asking her to confirm what the document says.</p> <p>8 MR. TANNER: And I will also note for the 9 record that she said she's not familiar with it, and 10 we're burning up time here going over it.</p> <p>11 MR. FREDERICK: I understand.</p> <p>12 Q. (By Mr. Frederick) Let me just ask one 13 question. In this document that's been marked as 14 Exhibit 3, it's titled, "A motion For Leave To Intervene 15 As Defendants." Is it -- does this document list the 16 Legislative Black Caucus, the League of Women Voters, 17 the Justice Seekers, Reverend Peter Johnson, Reverend 18 Ronald Wright and Donald Wright?</p> <p>19 MR. TANNER: I'll object. The document 20 speaks for itself.</p> <p>21 Q. (By Mr. Frederick) You may answer. You may 22 answer.</p> <p>23 A. The -- what you just read is what the document 24 said. And that's a little bit confusing for a 25 nonlawyer, when counsel objects and the opposition is --</p>
<p style="text-align: center;">34</p> <p>1 Defendants.</p> <p>2 Q. And in the first sentence, right under the 3 title, you see it says "Texas Legislative Black Caucus"; 4 is that right?</p> <p>5 MR. TANNER: I'm going to object to this 6 on a number of grounds: The attorney-client privilege, 7 work document and relevance. We are going down -- we've 8 spent a fair amount of time going down a road that has, 9 as far as I can discern, nothing to do with the legal -- 10 the factual issues involved in this case. And so I'll 11 -- unless I get some explanation, I'll instruct the 12 witness not to answer the question.</p> <p>13 MR. FREDERICK: On what basis, relevance?</p> <p>14 MR. TANNER: Attorney-client privilege and 15 work product.</p> <p>16 MR. FREDERICK: Well --</p> <p>17 MR. TANNER: This is a brief, a motion and 18 a memorandum in support. It's a legal document.</p> <p>19 MR. FREDERICK: Okay.</p> <p>20 MR. TANNER: And it has to do with an 21 issue separate from the issue of this case.</p> <p>22 MR. FREDERICK: Okay. Well, let me ask 23 the question again. I'll move quickly through it. All 24 I'm intending to ask about is just what the document is 25 and what it says. So I'm not asking for any attorney-</p>	<p style="text-align: center;">36</p> <p>1 where is the judge here to tell me I have to answer or 2 not.</p> <p>3 Q. Sure. And I should have made that clear at the 4 beginning. Generally, the way depositions work, you 5 know, your counsel is free to object on the record, and 6 unless he instructs you not to answer, even if he 7 objects, generally, you just answer.</p> <p>8 A. Oh, okay.</p> <p>9 Q. But if you're not to answer, he will instruct 10 you.</p> <p>11 A. Oh, okay. Good. Great. Now I know the answer 12 to that.</p> <p>13 MR. TANNER: Thank you, Matt.</p> <p>14 Q. (By Mr. Frederick) Okay, well, let's move on 15 to a different area. Did you speak with anyone at the 16 Department of Justice about Senate Bill 14?</p> <p>17 A. No, I have not.</p> <p>18 Q. Are you aware whether the Caucus spoke with the 19 Department of Justice about SB 14?</p> <p>20 MR. TANNER: The Caucus is an 21 organization. Just to clarify the form of the question.</p> <p>22 A. The Caucus, as an organization, I don't have 23 direct knowledge.</p> <p>24 Q. (By Mr. Frederick) To your knowledge, did -- 25 have any of the members of the Caucus spoken with the</p>

37

1 Department of Justice about SB 14?

2 A. To my knowledge. I might -- I would not know
3 whether or not individual members did. There are two --
4 and I want to make sure that I'm clear here. I want to
5 make sure that -- I'm trying to keep two things
6 separated. We were very concerned about -- about
7 redistricting. We very concerned about SB 14. And I do
8 know that we had some conversations, not as a group, the
9 organization, but to the best of my knowledge, that
10 conversation that we had would have been with
11 redistricting. I'm not -- there were two things going
12 on, both of them with the Department of Justice, and I
13 think that what I'm aware of was probably having to do
14 with redistricting.

15 Q. I understand. Thank you.

16 Did the Caucus send any letters or e-mails
17 to the Department of Justice about SB 14?

18 A. It's the same answer because on -- on either
19 redistricting -- and I'm going to guess, you know, my
20 best -- to the best of my memory, that correspondence,
21 at least while we were in session, had to do with
22 redistricting, rather than SB 14.

23 Now, you know, after the session, the
24 Caucus as an organization has a chairman that very often
25 speaks for us, and with our permission, but I'm not -- I

38

1 may not be aware of all contact, if any, that might have
2 been made, but between the redistricting and SB 14, and
3 I believe it was mostly redistricting, I think there has
4 been communication.

5 Q. Does the Caucus contend that Senate Bill 14, if
6 enacted or if it takes effect, will deny or abridge
7 African American Texans' right to vote?

8 MR. TANNER: Excuse me. I'm going to
9 object to the form of the question which calls for a
10 legal conclusion, and I think, as to this, and I presume
11 you're going to get into the purpose too. You can break
12 it down into elements.

13 MR. FREDERICK: Sure.

14 MR. TANNER: And it will be -- and we can
15 move along.

16 MR. FREDERICK: Okay.

17 Q. (By Mr. Frederick) And that question was
18 stated in more legal terms. So I'll -- I'll try and
19 make it more clear.

20 First, do you understand -- do you
21 understand what I mean when I say "denying or abridging
22 the right to vote"?

23 A. Yes.

24 Q. Does the Caucus contend that Senate Bill 14, if
25 put into effect, would deny or abridge African American

39

1 Texans' right to vote?

2 MR. TANNER: Again, I'm going to object to
3 the form. The legal terms have precise legal meaning,
4 which may not be the same as the lay meaning of the
5 terms, and I think that there's some plain language ways
6 that would be easier for the witness to answer.

7 Q. (By Mr. Frederick) Do you understand the
8 question as I've stated it?

9 A. Let me -- can I play it back to you in my own
10 language?

11 Q. Of course, yes.

12 A. Is the question, does the Caucus believe that
13 the African American vote is going to be suppressed
14 because of Senate Bill 14?

15 Q. Well, that's fair. Does the Caucus believe
16 that the African American vote will be suppressed by
17 Senate Bill 14?

18 A. The Caucus does.

19 Q. Earlier you mentioned a retrogressive effect.

20 A. Uh-huh.

21 Q. Does the Caucus believe that Senate Bill 14
22 would have a retrogressive effect on African American
23 voters?

24 MR. TANNER: Would you like to rephrase
25 that? Plain language. Again, I object to the form.

40

1 Q. (By Mr. Frederick) Okay. If you can answer
2 the question, please do.

3 A. If you're asking me if it has the potential of
4 lowering the vote, percentage-wise or otherwise, of
5 African Americans, that's the concern that the
6 Legislative Black Caucus does have.

7 Q. So your testimony, just so I'm clear and we can
8 move on, is that the Caucus believes that Senate Bill
9 14, if enacted or put into effect, would suppress
10 African American votes and -- well, is that accurate?

11 A. I think it's -- it's pretty accurate,
12 Mr. Frederick, because from all the -- from our town
13 hall meetings and so forth, when these particularly
14 elderly people and very young people come up, they tell
15 us in many cases they do not possess the document that
16 they are going to need to go and vote. And so that's
17 how we have come up with -- with our belief that it is
18 going to lower voter turnout.

19 And people who are voting today, because
20 of the variety of documents that they can use to vote,
21 will not be able to do it tomorrow because -- or if this
22 bill is enacted, because some of the documents that are
23 used today they won't be able to use in the future.

24 Q. So the Caucus believes that SB 14, if put into
25 effect, will lower African American turnout?



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

41

1 A. Yes. Yes.

2 Q. Are there any other negative effects that the
3 Caucus believes SB 14 would have if put into effect?

4 A. To the best of my knowledge, it would be that,
5 you know, while we're trying to get as many people to
6 have a voice in government and feel a part of
7 government, and they do that by voting, and these people
8 no longer be able to vote, that would be the major
9 reason that I believe that the Caucus would have for its
10 position.

11 Q. So you said that that belief of the Caucus is
12 based on town hall meetings where individuals have
13 stated that they don't have the required documents under
14 SB 14; is that right?

15 MR. TANNER: I believe that was part of
16 the witness's previous answer. She also referenced
17 other materials that had been provided to the members of
18 the Caucus in which we discussed earlier.

19 Q. (By Mr. Frederick) Okay. Well --

20 A. Repeat, please.

21 Q. Sure. A moment ago you mentioned that that
22 belief, the Caucus's belief about the effect of SB 14,
23 was based at least in part on town hall meetings where
24 individuals had said that they lacked the required ID.

25 A. Uh-huh.

42

1 Q. Is that right?

2 A. Well, that, in part, but then again, you know,
3 we speak to advocacy groups, so it's just not from a
4 town hall meeting. It's from advocacy groups. I mean,
5 this bill caused a real major stir in the African
6 American community. And because of the history of
7 African Americans, it was very frightening that
8 something has been fought for so long and so hard
9 might -- might now be in danger.

10 So we, basically, if there's something
11 really good happening, we hear from our constituents.
12 If there's really something bad happening, we hear from
13 our constituents. And we heard a lot from constituents
14 on -- on this particular issue. And again, the very
15 young, the very old, the people in the rural areas, and
16 interestingly enough, a lot of married women.

17 I remember a town hall meeting in Dallas
18 that I did with several other state reps, and it -- it
19 was a little bit of surprise to me that married women
20 were standing up and saying, "Well, you know, my voter
21 ID says this and my driver's license says that," and
22 based on that, their question was, "How is this going to
23 be reconciled? Am I going to be able to vote?" And
24 so --

25 Q. Did the Caucus conduct any studies on the

43

1 effect of SB 14 on African American voters?

2 A. Not to my knowledge.

3 Q. Other than -- well, I'll just ask it this way,
4 and hopefully, this will be clear: Has the Caucus
5 conducted any -- any formal surveys on the effect of SB
6 14 on African American voters?

7 A. Not formal surveys, no.

8 Q. But -- but members of the Caucus have spoken to
9 individuals who are concerned about the potential
10 effects; is that accurate?

11 A. Many, many individuals, especially, you know,
12 in our individual meetings, our phone calls, town hall
13 meetings, that kind of thing. Electronic town hall
14 meetings where, you know, you get thousands of people.

15 Q. So, and the purpose of this is just to figure
16 out what the basis for the contention is about the
17 effect, and you've mentioned town hall meetings,
18 advocacy groups that provided material, and constituent
19 communications about the potential effect of SB 14. Is
20 there anything -- anything else that the Caucus's belief
21 about the potential effect of SB 14 is based on?

22 A. I don't think we can leave out history.

23 Q. History.

24 A. That's I think a major part of this. And I
25 think, secondarily, you know, when we pass bills,

44

1 generally speaking, I think the Caucus believes that
2 we're trying to move to a higher level and improve, make
3 an improvement that makes us a better -- a better state
4 and so forth.

5 And I -- I know that the Caucus did -- did
6 look at some information that indicated to them that
7 there really hadn't been a lot of evidence of widespread
8 misuse of the ballot with people being misidentified, so
9 to speak.

10 We -- we certainly realize that we don't
11 want people who are not eligible to vote, illegal voters
12 voting, and we didn't see and we haven't been presented
13 with a lot of evidence that that is the case.

14 Q. Has -- has the Caucus -- you mentioned
15 widespread misuse, are you referring to voter
16 impersonation?

17 A. Uh-huh. Yes.

18 Q. Was there any evidence that -- of any voter
19 impersonation in Texas?

20 MR. TANNER: Are you talking about the
21 consideration of the period for the consideration of
22 this bill?

23 MR. FREDERICK: Correct. And let me
24 broaden that a little bit.

25 Q. (By Mr. Frederick) During the -- during the



45

1 consideration of this bill or any other voter ID bill,
 2 has there been any evidence of any voter impersonation
 3 in Texas?
 4 A. Well, I'm trying to remember the debate, and I
 5 won't say that I can remember it precisely, but I think
 6 the conclusion was that we're -- while there might have
 7 been some cases of voter fraud that, by and large, it
 8 did not appear that those cases were based on somebody
 9 impersonating somebody. Which is, you know, I think
 10 largely what this bill tries to fix, is making sure that
 11 the person that, you know, presents themselves as a
 12 certain person is that person.
 13 So in the debate, that was one of the key
 14 questions that members of the Caucus and other members
 15 continued to ask, do we believe based on whatever
 16 evidence we have that this has been occurring, that this
 17 is a big problem in Texas? And I don't believe that I
 18 recall a lot of evidence in that regard. You know, if I
 19 -- I would say that in a state with 26, almost 26
 20 million people, and I don't know how many of those are
 21 voters off the top of my head, but you know, I would
 22 think that you would be talking about something, you
 23 know, in -- you would be talking about some pretty large
 24 numbers for that to be an issue.
 25 Q. Does the Caucus contend that there is no

46

1 in-person voter fraud in Texas?
 2 A. I don't know that that's the Caucus's
 3 contention. But I will say this. I will say it is the
 4 Caucus's belief that with fraudulent votes, this is not
 5 an area where we have evidence as a state, based on the
 6 debates on the Floor, that we have a lot of
 7 activity. Now, is that zero? No. I'm not saying it's
 8 zero.
 9 But I'm saying from the debate on the
 10 Floor, and I'm sure that the persons who came with this
 11 bill were armed with the best evidence that they could
 12 get so as to convince their colleagues that this was the
 13 right thing to do. And obviously, they were able to
 14 convince a number of people that this was the right
 15 thing to do. But it wasn't based, from my recollection,
 16 that our knowing that, oh, yeah, a couple of hundred
 17 people did this in the last year and here's who they
 18 were and here's what they did. That didn't happen.
 19 There's, you know, yes, there -- from now
 20 until the end of the time, end of time, I would suspect
 21 that there's going to be some attempt at voter fraud.
 22 But the Caucus belief was that this bill doesn't get at
 23 that. This bill is basically about impersonation and
 24 doesn't get to the issues that may be out there.
 25 Q. When you say "the issues that may be out

47

1 there," would that include mail-in ballot fraud?
 2 A. I think that there have been allegations over
 3 the years that there have been some mail-in ballots
 4 where there was fraud, where there was suspected fraud.
 5 Q. But it's not the Caucus's contention that there
 6 is no such thing as in-person voter fraud or voter
 7 impersonation; is that right?
 8 A. No, not -- it's not a zero game.
 9 Q. Does the Caucus contend that Senate Bill 14
 10 will prevent Latino Texans from voting or lower Latino
 11 turnout?
 12 A. I think the Caucus is concerned that this bill
 13 would prevent a lot of people from voting, including --
 14 the people that I'm talking about at the town hall
 15 meeting that I went to in Cedar Springs with a couple of
 16 other state reps happen to be primarily Anglo, and it
 17 was the Anglo women who stood up and said that they
 18 weren't going to be able to vote either. You know,
 19 because their drivers license said this and their voter
 20 ID said that. And so they had a question.
 21 So anytime anybody is going to be denied the
 22 right to vote, we're concerned about that. But the
 23 primary concern of the -- I think of the Texas
 24 Legislative Black Caucus in taking whatever action it
 25 took, was to two speak to -- speak for those people that

48

1 we represent, because that's what they expect us to do,
 2 to come here and to voice their concerns and their
 3 issues. So the chairperson would be the person to speak
 4 to that, I guess, absolutely, but in my case, speaking
 5 for the Caucus and being in those meetings, our concerns
 6 were everybody overall, but certainly African
 7 Americans.
 8 And you know, there's a college in my
 9 district that's a small historically Black college.
 10 Many of those students don't have government ID because
 11 they don't have, you know, they don't have a driver's
 12 license. They don't travel out of the country so, you
 13 know, they don't have a passport. Their student ID
 14 won't help them. So it's a major concern. How do these
 15 students -- I mean, what are they going to -- it was a
 16 major concern that this created another barrier, and if
 17 you don't call it a barrier, at least you have to say
 18 that for some people there's at least another step that
 19 you have to take in order to vote.
 20 And our thing is about removing barriers
 21 as best we can. And at the same time, I don't want
 22 anybody to vote who shouldn't be voting. But I also
 23 don't want anybody who should be voting to have to climb
 24 some mountain that they shouldn't have to climb.
 25 Q. What colleges in your district?



<p style="text-align: center;">49</p> <p>1 A. Paul Quinn.</p> <p>2 Q. Paul Quinn.</p> <p>3 A. Also the University of North Texas -- the</p> <p>4 University of Texas -- the University of North Texas at</p> <p>5 Dallas is in my district as well as Cedar Valley</p> <p>6 College, as well as North Haven -- Northbrook. Oh,</p> <p>7 they're going to kill me. I'll have to tell you before</p> <p>8 I leave.</p> <p>9 Q. Okay.</p> <p>10 A. And North -- I have to remember the rest of the</p> <p>11 North. But I'm very fortunate in that I have at least</p> <p>12 four colleges in the -- in the area that I</p> <p>13 represent. You know, two privates and two</p> <p>14 publics. Northwood.</p> <p>15 Q. Northwood?</p> <p>16 A. Northwood Institute.</p> <p>17 Q. Did you hear -- did you or the Caucus hear from</p> <p>18 students at all of the colleges in your districts about</p> <p>19 concerns about ID?</p> <p>20 A. I don't know that I -- I know that I heard from</p> <p>21 -- I know that the Caucus heard from Paul Quinn and</p> <p>22 Cedar Valley. I don't know -- I think the University of</p> <p>23 North Texas at Dallas is a little bit different kind of</p> <p>24 a university in that, for the most part, you don't have</p> <p>25 -- we don't have the 18 and 19-year-olds there, you</p>	<p style="text-align: center;">51</p> <p>1 thing, which is why many of the churches -- I just</p> <p>2 happened to have the conversation -- correspondence with</p> <p>3 Riley Simmons, but many of the African American churches</p> <p>4 in the area that I represent and other members represent</p> <p>5 were concerned about the very elderly who might not have</p> <p>6 this card, having to stand in that line, and how</p> <p>7 discouraging that was going to be. It isn't always --</p> <p>8 it isn't always the easiest thing for the elderly to get</p> <p>9 out to vote to begin with, and anything that makes it a</p> <p>10 little bit harder, it has a negative effect.</p> <p>11 MR. FREDERICK: Do you all mind if we take</p> <p>12 a quick break?</p> <p>13 MR. TANNER: I was just about to suggest</p> <p>14 that.</p> <p>15 (Recess from 11:03 to 11:20 a.m.)</p> <p>16 Q. (By Mr. Frederick) Representative, are you</p> <p>17 familiar with the polls regarding Texans' support for</p> <p>18 voter ID legislation?</p> <p>19 A. No, I'm not.</p> <p>20 Q. Does the Caucus believe that elderly voters are</p> <p>21 more likely than average to lack one of the IDs required</p> <p>22 by SB 14?</p> <p>23 A. We particularly believe that elderly African</p> <p>24 Americans are -- are more likely.</p> <p>25 Q. Why is it -- what's the basis of that belief</p>
<p style="text-align: center;">50</p> <p>1 know. It's older, more mature people. And I did not</p> <p>2 hear from those people regarding this. And</p> <p>3 specifically, I don't recall that I specifically heard</p> <p>4 from Northwood.</p> <p>5 Q. To the extent that students expressed concern</p> <p>6 about IDs, did that tend to be younger 18 and 19-year-</p> <p>7 old students?</p> <p>8 A. It did tend to be younger ones.</p> <p>9 Q. Does the Caucus believe that Senate Bill 14</p> <p>10 would prevent indigent Texans from voting?</p> <p>11 A. Well, yes, in that they are now required in</p> <p>12 many cases to take an additional step that they didn't</p> <p>13 have to take before. If you didn't have a government</p> <p>14 ID, currently, there are a number of ways you could</p> <p>15 establish your identity. And with that taken away, many</p> <p>16 of them are going to have to go the Department of Public</p> <p>17 Safety and get this alternative identification. And the</p> <p>18 Department of Public Safety in the state of Texas is --</p> <p>19 those folks are already -- I don't want to say</p> <p>20 understaffed, that would get me in trouble since I'm on</p> <p>21 appropriations but --</p> <p>22 Q. Overworked maybe?</p> <p>23 A. But let me just say that the Department of</p> <p>24 Public Safety gets a few complaints about having long</p> <p>25 lines, having long waiting periods and that kind of</p>	<p style="text-align: center;">52</p> <p>1 that elderly African Americans would be more likely to</p> <p>2 lack ID?</p> <p>3 A. Well, I think they -- they have, if you're</p> <p>4 elderly and you're poor, you have perhaps fewer</p> <p>5 transactions where these -- where certain documents are</p> <p>6 required. I guess a lot of times with banks, for</p> <p>7 instance, if you have banking relationships, certain</p> <p>8 kind of photo IDs and so forth, are required to</p> <p>9 establish those banking relationships. But</p> <p>10 particularly, I think the elderly, I think more African</p> <p>11 Americans who are elderly than the general elderly</p> <p>12 population.</p> <p>13 Q. And among elderly people, this -- is that</p> <p>14 belief based on the understanding that more elderly</p> <p>15 African Americans would be poor than other elderly</p> <p>16 persons?</p> <p>17 A. I don't know that that's the case, but -- that</p> <p>18 that's the case for the belief, but if you're asking me</p> <p>19 if I believe that, the answer is yes. But I'm speaking</p> <p>20 here for the Caucus. I passed legislation to that</p> <p>21 effect.</p> <p>22 Q. Does the Caucus believe that poor or indigent</p> <p>23 voters are more likely than average to lack a form of ID</p> <p>24 required by SB 14?</p> <p>25 A. I'm sorry. I was taking a drink of water and</p>



53

1 the bottle made a noise, so I didn't hear the whole
2 thing.

3 Q. Of course. Does the Caucus believe that poor
4 or indigent voters are more likely than average to lack
5 a form of ID required by SB 14?

6 A. Okay. That sounds like the same question that
7 I just answered. Do we believe that elderly African
8 Americans are more likely to not be in possession of
9 photo ID?

10 Q. Well, this one is: Does the Caucus believe
11 that poor or indigent voters, regardless of age, would
12 be less likely to have the ID required by SB 14?

13 A. Gee, you know what? I -- I'm not sure that the
14 Caucus really has a position on that.

15 Q. Does the Caucus contend that disabled voters
16 are less likely than average to have the identification
17 required by SB 14?

18 MR. TANNER: If I could interject with an
19 objection as to the form. I think we're, again, we're
20 getting back to the level of formality in the Caucus and
21 how much the Caucus is an institution, an unstructured
22 institution, takes positions that are separate from the
23 legal aspect of the position, and whether they take
24 positions as a group or have taken. I think the witness
25 has been very forthcoming in terms of providing the

54

1 general information about the sense of the Caucus, and
2 I'm sure will continue to do so. But again, we're
3 presuming a level of formality and structure that has
4 not been established by the questions so far.

5 MR. FREDERICK: Okay. Well, I mean, the
6 basis of these questions is that the Caucus as a group
7 has intervened and answered in this lawsuit, so that's
8 -- that's the only basis for my questions directed at
9 the Caucus. And I would contend that's a sufficient
10 basis, because the Caucus has actually appeared in the
11 lawsuit. So, I mean, that's the only way that I know
12 how to answer the question -- or to phrase these
13 questions.

14 MR. TANNER: All right. Well, I was just
15 adding that caveat to it.

16 MR. FREDERICK: Okay.

17 MR. TANNER: And to clarify the nature of
18 -- I understand the limitations on how you can ask
19 questions and how the witness can respond.

20 Q. (By Mr. Frederick) Let me reask the question.

21 Does the Caucus contend that disabled
22 voters are less likely than average to possess the
23 identification required by SB 14?

24 A. I'm not sure that the Caucus has taken a
25 position on that.

55

1 Q. Does the Caucus contend that rural voters are
2 less likely than average to possess the ID required by
3 SB 14?

4 A. Speaking for the Caucus, the Caucus is -- has
5 been very concerned about African American voters in
6 rural areas and that voter turnout and the fact that we
7 need to do what we can to make sure that those people
8 are -- have an opportunity to be engaged. I think I
9 would have to -- I would have to leave it there.

10 So, yeah, we do -- we have some concern
11 about rural voters, and particularly those -- those
12 rural voters who happen to be African American.
13 Because, for the most part, African American legislators
14 that can be accessed easily by African American
15 constituents are folks in large cities. In the rural
16 areas, we -- there is a, you know, a -- some
17 representation in some of the rural areas but not that
18 much. And so, yeah, there is -- there is a real concern
19 about the African Americans and their ability to vote in
20 rural areas.

21 And a lot of that has to do with, I know
22 you -- we just coming back to history. There are places
23 in the state that history reflects that it has not been
24 very good for African Americans who want to vote. And
25 those areas are -- I don't want to say largely rural,

56

1 but certainly in rural areas, there's been a problem
2 historically.

3 Q. Does the Caucus believe that an African
4 American voter in a rural area would be less likely than
5 other voters, say Anglo or Hispanic voters, in the same
6 area to have an ID required by SB 14?

7 A. I'm not sure that they -- they have taken --
8 I'm not sure that the Caucus has taken a position on
9 that.

10 Q. Okay. Are you aware or is the Caucus aware of
11 any evidence that an African American in a rural area
12 would be less likely than a Hispanic or Anglo voter in
13 the same area to have the required ID under SB 14?

14 A. I don't think the Caucus has any facts, factual
15 evidence on that. They may have more anecdotal kind of
16 information.

17 Q. Are you aware of any specific anecdotal
18 information about whether African Americans in rural
19 areas would have the ID required by SB 14?

20 A. Not directly, no, not directly. Just again, I
21 mean, you're asking for -- I mean, I can't -- is it out
22 there? Yes. Can I pinpoint it to a person and a
23 place? I can't. But anecdotally, I will say yes, it's
24 that kind of feeling exists, that kind of thought
25 pattern exists.



57

1 Q. Can you identify kind of how or by whom that
2 thought has been expressed to the Caucus, anecdotally or
3 otherwise?

4 A. Well, I think would it have come through some
5 of our discussions about how to better engage African
6 Americans in some of the rural areas, particularly, I
7 would say in some of the East Texas areas where the
8 voter turnout doesn't seem to be, you know, what it
9 could be, what the potential is. And I think that whole
10 thought pattern of the rurals not -- of the rurals being
11 less likely to possess this has to do with perhaps
12 occupations even, you know, largely agricultural in a
13 lot of cases and so forth, and maybe less likely to have
14 some of these pieces of -- some of these IDs.

15 Q. But you're not aware of specific --

16 A. No, I'm not.

17 Q. -- information?

18 A. No, I'm not.

19 Q. Does the Caucus believe that poor or indigent
20 voters are less likely to be able to obtain one of the
21 IDs required by SB 14?

22 A. Less likely from the standpoint of their being
23 able to go and get the transportation to a site where
24 they can get a free ID. And also taking into
25 consideration that with the Department of Public Safety,

58

1 I'm pretty sure we don't have a Department of Public
2 Safety in every one of our counties in this state. I
3 could be wrong about that, but you know, just trying to
4 recall as best I can.

5 I mean, if you were to ask just people in
6 general whether or not we need more DPS sites, I think
7 the answer to that would be -- would be yes. But
8 certainly if you don't have an automobile and you don't
9 have transportation and the only place you can go and
10 get this ID is 35 or 40 miles away, I think the
11 likelihood of you being -- some people being up to doing
12 that is not that great.

13 Q. And would the burden that that would place on a
14 voter, the problem of transportation, access to a DPS,
15 would that be any different for an African American
16 voter or a Hispanic voter or an Anglo voter?

17 A. Well, yes, Mr. Frederick, because we do have
18 national statistics as well as state statistics that
19 really show that African American wealth is nowhere near
20 that of Anglo wealth. And so what that transforms into
21 is that they may, you know, a lot of these people may
22 not even have automobiles to be able to, you know, live
23 in a rural area or some place and be able to have a car
24 to go 40 miles if they need to, to get to a site where
25 they can do it.

59

1 So I think in a general broad sense kind
2 of way because we know where wealth is and where it
3 isn't, it would seem to me that -- or would seem to us
4 that African Americans would be more at a disadvantage.

5 Q. Is there anything -- is there anything besides
6 the disparity in wealth --

7 A. Uh-huh.

8 Q. -- that would put African Americans at a
9 disadvantage related to getting one of the required
10 forms of ID under SB 14?

11 A. Well, I don't know. I'm not -- I'm going to
12 speak, you know, the Caucus and as a member of the
13 Caucus, I'm going to speak as an individual, but one of
14 the things that I've worked with a lot with African
15 Americans, older and in rural areas, is that many of
16 them -- I won't say many, but I'm going to say a number
17 of them who have come to our offices that we work with
18 never had birth certificates, because they were
19 delivered by midwives. And those midwives somehow or
20 another -- I mean, I'm talking about a lot of years ago,
21 didn't make it to wherever they needed to make it to, to
22 register, so I can't tell you -- we've had to counsel
23 and work with and direct a number of elderly people who
24 did not have birth certificates, so and had to get what
25 is called a "delayed birth certificate," so I think, you

60

1 know, just kind of based on that, the same thing
2 follows.

3 Q. And in your experience with what you were just
4 talking about, is it your understanding that people who
5 might have been birthed with a midwife and might not
6 have a birth certificate, are those people more likely
7 to be African American?

8 A. Well, what I can say is that the folks that we
9 have been asked to work with from our office have all
10 been African Americans. I mean, it's -- you know, and
11 you have to go back and try to help them try to figure
12 out how to research the census, how to get something
13 from their church, how to get a Bible, you know, how to
14 get an insurance policy, how to do -- you know, because
15 the documentation apparently doesn't exist for these
16 people. And I don't know how they got that way, except
17 that most of them that have contacted us have said that
18 they were delivered by a midwife, and I dare say, in
19 some cases, nobody at all, just family delivered.

20 So when we speak about the elderly, I
21 think we have to take those kinds of things into
22 consideration, and I think it's a whole separate set of
23 issues from the very young. So I think the elderly are
24 disproportionately affected if they're African
25 Americans. The young are disproportionately affected.



61

1 That's -- that was my position. I hope the Caucus is
2 okay with that.

3 Q. Are you aware of any studies or statistics that
4 show that the people who would lack a birth certificate
5 or have a midwife birth would be disproportionately
6 African American?

7 A. I think in the old days that's true. I -- you
8 know, and that's why I say the elderly, because I think
9 we have a whole new -- another game now. I mean, the
10 whole midwife thing is popular across the board, and
11 it's pretty much regulated, and folks have to do what
12 they have to do. And those kind of regulations did not
13 exist back in those days. And in rural areas, you might
14 not have been even close to any doctors. You might have
15 been miles away from a doctor.

16 Q. Do you have a sense based on your experience
17 with that issue of how -- where the age cutoff is for
18 people who would have that kind of problem?

19 A. Well, I think they're -- quite frankly, I think
20 they're pretty old. You know, I mean, we're not talking
21 about folks in their fifties. We may not even be
22 talking about people, you know, up to 65. I mean, we
23 may be talking about, you know, the -- well, the people
24 that we've -- that we've helped, they have been in their
25 sixties, because many of them, quite frankly, are trying

62

1 to go over to the -- where you apply for Social
2 Security, and didn't have proper documentation to apply
3 for Social Security. So, you know, that -- that would
4 say you were -- you were, you know, sixty-ish, I would
5 say.

6 Q. Does the Caucus contend that voters in the
7 rural areas would be less likely than urban or suburban
8 voters to be able to get one of the IDs required by SB
9 14?

10 A. I think the answer to that would be yes, you
11 know, basically, due to the availability of a DPS
12 site. DPS sites are more available in urban areas, I
13 think, or I know.

14 Q. Does the Caucus contend that with respect to
15 availability of DPS sites and transportation to get ID,
16 does the Caucus contend that African Americans would
17 be -- rural African Americans would be affected
18 differently than Anglo or Hispanic rural residents?

19 A. I suspect that Hispanics would be affected as
20 well. And again, I want to -- you know, the Caucus is
21 concerned about everybody in the state. But the Caucus
22 has a primary concern for African Americans. And so,
23 generally, as loose as our organization is in terms of
24 having, you know, structure that says this, this and
25 this, we're concerned about everybody, but we're -- but

63

1 we exist to make sure that African Americans have equal
2 opportunities in this state. And, but at the same time,
3 we understand that African Americans cannot advance
4 while, you know, everybody else that's disadvantaged is
5 standing still. So everybody has to move together.

6 But you know, we -- our agenda really is
7 one that is African Americans. But we do believe, I
8 think I can say on behalf of the Caucus, that we believe
9 that Hispanics are going to be disproportionately
10 adversely affected by Senate Bill 14 as will African
11 Americans.

12 Q. Since we've been talking about this, I think
13 we've identified a couple of factors that would be I
14 think you said an extra step that would be required to
15 get an ID, and I think one of those was you might have
16 to just go to the DPS; is that right?

17 A. Uh-huh.

18 Q. And then one -- another might be you might not
19 have a birth certificate or whatever documentation; is
20 that right?

21 A. Uh-huh. Yes.

22 Q. Another might be if you had to pay money to
23 get, you know, either a driver's license or a birth
24 certificate, that would be an extra step; is that right?

25 A. Yes.

64

1 Q. And are there any other -- are there any other
2 specific burdens that the Caucus contends SB 14 would
3 have on people?

4 A. Gee, other than the things that -- that we have
5 -- that I have articulated, for us, having to take an
6 extra step and not being able to take that extra step is
7 huge.

8 Q. Uh-huh.

9 A. And it's a reason to be concerned, because we
10 want people to -- we want people who are eligible to
11 vote, to vote. And it's been such a long difficult ride
12 for African Americans. I mean, when people have died
13 because they simply wanted to vote, it takes years to
14 turn around that kind of thinking and to get people to
15 understanding, you know, that, yeah, it's okay now. And
16 then you -- so just the mere fact that you're putting in
17 another step that says you've got to have this -- this
18 is the only thing that you can use, it requires a whole
19 new education.

20 Particularly for the elderly, and you
21 know, I don't know that our state is going to be willing
22 to do what is necessary to educate these people. I
23 mean, we need some TV -- if this were to go into effect,
24 we need some TV PSAs and all kinds of education to make
25 this -- to get anywhere near a good result. And I just



<p style="text-align: center;">65</p> <p>1 don't think you can get a good result by asking people</p> <p>2 to make -- make this -- to take this -- this extra step</p> <p>3 in terms of being able to identify themselves as being</p> <p>4 eligible to vote.</p> <p>5 Q. So if you, hypothetically, if you had an</p> <p>6 African American voter and an Anglo voter who were, you</p> <p>7 know, lived in the same place, had the same</p> <p>8 socioeconomic status, would there be any extra burden or</p> <p>9 any other steps that the African American individual</p> <p>10 would have to take to comply with SB 14?</p> <p>11 A. I think you would -- I would have to answer</p> <p>12 that by, you know, we've got to take into consideration</p> <p>13 all the things -- did you say economically? Tell me --</p> <p>14 give me your question again.</p> <p>15 Q. Of course. Of course. If we had, let's say</p> <p>16 hypothetically, we've got an Anglo voter, an African</p> <p>17 American voter, say they're the same age, live in the</p> <p>18 same place, same neighborhood, and they have the same,</p> <p>19 you know, socioeconomic status.</p> <p>20 A. Uh-huh.</p> <p>21 Q. Is there anything, any extra burden or step</p> <p>22 that the African American voter would have to go through</p> <p>23 under SB 14 as opposed to the Anglo voter?</p> <p>24 A. Well, even though I'm older than you, that</p> <p>25 aside, you and I would be dealing with the same set of</p>	<p style="text-align: center;">67</p> <p>1 vote, whether that history would have any effect or</p> <p>2 impose any burden on an African American voter who, you</p> <p>3 know, is not indigent, is not in a rural area, you know,</p> <p>4 doesn't have any of the kind -- you know, is not</p> <p>5 elderly, who doesn't have any of, you know, the burdens</p> <p>6 that we've been talking about, is it -- I'm just trying</p> <p>7 to understand how the history would play into the burden</p> <p>8 on a specific voter.</p> <p>9 A. How the history would play into the burden on</p> <p>10 -- we're all creatures of our circumstances, our</p> <p>11 experiences, our backgrounds, and I guess that's one of</p> <p>12 those things that is not easily articulated, but it is</p> <p>13 something that has to be contended with and taken into</p> <p>14 consideration.</p> <p>15 And for African Americans, we know that it</p> <p>16 is very real to be able to get the voting participation</p> <p>17 rate up among African Americans to where the voter</p> <p>18 participation rate is across the board. And so we have</p> <p>19 to look at all of these things, I think, that may have a</p> <p>20 chilling effect. And I think adding this extra step</p> <p>21 really does -- really does do that, and it's at least</p> <p>22 real for those people who have to -- who have to deal</p> <p>23 with it.</p> <p>24 I mean, in the case of two people -- two</p> <p>25 groups who are similarly situated, middle income, this</p>
<p style="text-align: center;">66</p> <p>1 circumstances. We wouldn't have to do anything</p> <p>2 differently. The only difference would be that I have a</p> <p>3 history of not being able to vote. And unfortunately,</p> <p>4 we can't leave that baggage behind. And so do I have to</p> <p>5 take another step? A step more than you would have to</p> <p>6 take? No.</p> <p>7 But I come -- I mean, the only reason we</p> <p>8 have the Voter Rights Act is because of the history of</p> <p>9 voting in our state, and we can't minimize that. So you</p> <p>10 and I would be similarly situated. You know, you</p> <p>11 wouldn't have -- I wouldn't have to do anything more</p> <p>12 than you would do, because you know, it would just be a</p> <p>13 -- the same, the effort would be the same. But I think</p> <p>14 that we -- we really cannot minimize the historical</p> <p>15 piece of this and how we got here and why we're even</p> <p>16 grappling with this.</p> <p>17 Q. And I understand that. I guess what -- and</p> <p>18 this is what I'm trying to figure out. It's just I</p> <p>19 think a piece of all of this.</p> <p>20 A. Yeah.</p> <p>21 Q. And it's the effect that just the specific</p> <p>22 requirements of SB 14 will have on -- on voters, and</p> <p>23 it's what I'm trying to get at is whether -- is whether</p> <p>24 SB 14, because of the history that you've been talking</p> <p>25 about, just in terms of availability of ID or ability to</p>	<p style="text-align: center;">68</p> <p>1 and that and the other thing, so they got a car, can get</p> <p>2 to the driver's license -- to the Department of Public</p> <p>3 Safety, to get the -- what -- their driver's license or</p> <p>4 whatever they need, they've got a birth certificate,</p> <p>5 this and that. You know, that's -- that's pretty even,</p> <p>6 but that's not necessarily most of the world.</p> <p>7 Q. Uh-huh.</p> <p>8 A. That's really not most of the world. I mean,</p> <p>9 you've got such a high unemployment rate, you know, for</p> <p>10 African American youth, for instance. And if you've got</p> <p>11 a choice between, you know, going to try to find</p> <p>12 yourself a job and going to try to get this document,</p> <p>13 which one are you going to do?</p> <p>14 I mean, yeah, there are all kinds of</p> <p>15 barriers that come in those kinds of circumstances that</p> <p>16 are not easily articulated, but I think the fact that</p> <p>17 we're doing what we're doing brings all of that into</p> <p>18 consideration. Because yeah, there are a lot of</p> <p>19 barriers for people, not for you and I. But one of the</p> <p>20 things that I try to do in the legislature is -- and I'm</p> <p>21 on record as saying this many times from the mic, "We</p> <p>22 ought not to be making laws for people who sit in this</p> <p>23 chamber, because we're special. We're privileged."</p> <p>24 And so what we're talking about is dealing</p> <p>25 with those people who are not as privileged as we</p>



69

1 are. I mean, you and I are on the same level, but
2 unfortunately that doesn't exist for everybody. And I
3 think we believe that this is -- this is an extra step,
4 and any additional step will have a negative effect on
5 African Americans if it's one that requires additional
6 resources in terms of financial resources to get to the
7 DPS. If you had to buy a birth certificate, which might
8 require another visit to city hall. Or if you don't
9 live -- if you were born someplace other than the city
10 in which you live, that's a whole another set of
11 circumstances. If you're from Texas, it's dealing with
12 Austin. If you're from outside of the state, it's
13 dealing with some other capital. And so there are a lot
14 of additional things that go into making what seems like
15 one easy step.

16 Q. But to the extent that -- to the extent that
17 any voter, you know, say they have a driver's license
18 that's current --

19 A. Uh-huh.

20 Q. -- SB 14 wouldn't impose a different burden on
21 a voter if he or she happened to be African American,
22 Anglo or Hispanic or Asian American, if they actually
23 had a driver's license; is that right?

24 A. Yes, that's right. And that's why I brought my
25 notes so I could just be sure what the bill says. So

70

1 these are -- you know, got that section of the bill, you
2 know, printed, but you know. No, I mean, to the -- to
3 just -- well, I thought I had that so I could just move
4 right in there and see it. But no, I mean, if you've
5 got that, that documentation, then it's -- it's no
6 different.

7 Q. Well, let me ask you some questions about who
8 has documentation. And by the way, I don't mean to stop
9 you, if you're still looking for something.

10 A. No, no, I found it. I was just looking at what
11 we can use now, you know, all these -- a sufficient
12 amount of -- I would think, of pieces of identification
13 versus just a driver's license, just the military ID,
14 citizenship certificate, U.S. passport.

15 And I will tell you that I was -- well,
16 anyway. Yeah. So, I mean, a lot of people don't have a
17 passport. If they don't travel out of the country, they
18 might not have a passport. Some of them haven't been to
19 the military. I don't know where they would get the
20 U.S. citizenship certificate. So they're pretty much
21 going to be dealing with, if they haven't been to the
22 military, they're going to be dealing with a driver's
23 license or a concealed handgun license.

24 Q. Can you tell me, I notice you're referring to a
25 document, what document is that?

71

1 A. It's just our House Research Organization.

2 Q. Oh, it's the HRO report on SB 14?

3 A. Yeah, that goes with SB 14.

4 Q. Okay.

5 A. Just made it easy for me to look up.

6 Q. Of course.

7 A. So I would know what I was talking about.

8 Q. Does the Caucus know how many Texas registered
9 voters lack one of the IDs required by SB 14?

10 A. We do not.

11 Q. Can -- can you, speaking for the Caucus,
12 identify any Texas registered voter who does not have
13 one of the IDs required by SB 14?

14 A. Can we identify them?

15 Q. Uh-huh.

16 A. I can't give you the names right now, but we --
17 I have been in some -- had some meetings where people
18 stood up and said they didn't.

19 Q. You don't know what their names are?

20 A. No.

21 Q. Do you know if their names were ever recorded
22 or written down anywhere?

23 A. Possibly. I'm not -- I'm going to say no,
24 because you know, basically, these -- these were
25 meetings where we were trying to say, "Well, we got to

72

1 figure out a way to fix that probably before the bill
2 was done," and whatever, but was completed.

3 Q. Did the Caucus -- and forgive me if I've asked
4 you this already, did the Caucus conduct any study of
5 photo ID possession by Texas voters?

6 A. Not that I'm aware of.

7 Q. To your knowledge, is the Caucus -- does it
8 know, say, the levels of photo ID possession by various
9 groups of voters in Texas, and what I mean is, does the
10 Caucus know the percentage of African American
11 registered voters in Texas who have one of the required
12 IDs under SB 14?

13 A. Factually, we don't. I can tell you that I
14 think that the Caucus believes that African Americans
15 are less likely to have had a concealed weapon permit.

16 Q. Uh-huh.

17 A. Which is one of the documents that would be
18 acceptable. I -- that would be something that would be
19 easy to get, but I suspect -- or it might not, but I can
20 tell you that on that one particular document, the
21 Caucus certainly anecdotally believes that there would
22 be far fewer African Americans who would possess that
23 document.

24 Q. Does the Caucus have a specific belief about,
25 you know, the different levels of possession of any



<p style="text-align: center;">73</p> <p>1 other of the documents listed in SB 14?</p> <p>2 A. I -- I don't believe so.</p> <p>3 MR. TANNER: Just -- never mind.</p> <p>4 A. I don't believe so.</p> <p>5 Q. (By Mr. Frederick) All right.</p> <p>6 A. I -- you know, I don't -- you know, the</p> <p>7 driver's license or the passport, again, you would have</p> <p>8 to deal with anecdotal. We don't have any statistics.</p> <p>9 I mean, I would suspect that the passport would be one.</p> <p>10 I mean, if you're not traveling internationally, I don't</p> <p>11 quite know what else you do with passports. So "I don't</p> <p>12 know" I guess is the real answer.</p> <p>13 Q. We've been talking about it, so I'll just ask</p> <p>14 you: Do you have -- do you have a driver's license, a</p> <p>15 current Texas driver's license?</p> <p>16 A. I do.</p> <p>17 Q. Are there -- are there other members of your</p> <p>18 household who are voting age?</p> <p>19 A. Yes. And Mr. Frederick, so we don't have to go</p> <p>20 down that line, again, everybody in my family has</p> <p>21 whatever kind of ID is his. But I think I just said,</p> <p>22 and I'm going to say that again, that we should not be</p> <p>23 the model for this. I mean, we've got to think about</p> <p>24 people who are in other circumstances. So I wasn't</p> <p>25 supposed to be speaking personally, but I was supposed</p>	<p style="text-align: center;">75</p> <p>1 We both probably have birth certificates.</p> <p>2 I do.</p> <p>3 And I think we -- we cannot -- we cannot</p> <p>4 discount the fact that the whole socioeconomic deal has</p> <p>5 an impact on people. It has a -- depending where you</p> <p>6 are in that, you may not be -- you might not have easy</p> <p>7 access to some of these documents.</p> <p>8 So, and then -- I mean, it just probably</p> <p>9 needs somebody else to talk about this, but even when</p> <p>10 you talk about, you know, the concealed handgun permits</p> <p>11 unfortunately in Texas and throughout this country, for</p> <p>12 that -- for that matter, I mean, we've got so many young</p> <p>13 men who have been somehow or another caught up in the</p> <p>14 criminal justice system, some rightly, some wrongly,</p> <p>15 we've seen by the exonerations. And so all of those</p> <p>16 things impact who has a concealed weapon permit and who</p> <p>17 doesn't. So there are lots of factors out there that</p> <p>18 would cause some people to be more likely to have these</p> <p>19 documents that are acceptable as identification at the</p> <p>20 voting booth that just don't come to the surface</p> <p>21 immediately. There's a real difference.</p> <p>22 Q. Well, I want to move on and don't have a whole</p> <p>23 lot more, but I'd like to move on now. We've been</p> <p>24 talking a lot I think about effect and how this bill</p> <p>25 might affect the people. I want to move briefly to the</p>
<p style="text-align: center;">74</p> <p>1 to be speaking for the Caucus, but yeah, I mean -- I</p> <p>2 mean, yes, we all have birth certificates, almost all of</p> <p>3 us have passports, but then we're talking about people</p> <p>4 in different circumstances. I just said that you and I,</p> <p>5 other than age, we're probably very similarly situated.</p> <p>6 That is not the case overall.</p> <p>7 Q. And while we're on the subject, and I'll move</p> <p>8 on in just a moment, but what are -- if you just remind</p> <p>9 me what the specifics circumstances are that would put</p> <p>10 someone in a different situation than maybe you or I are</p> <p>11 in?</p> <p>12 A. I think, you know, beyond the control of</p> <p>13 people, if they're elderly, born in a rural area where</p> <p>14 there might not be doctors and what have you, and where</p> <p>15 there might not be easy access in terms of where they're</p> <p>16 -- where their birth need to be registered, you and I</p> <p>17 probably travel internationally a great deal, and so,</p> <p>18 yeah, I would have a passport because I travel a lot.</p> <p>19 So that would -- that would differentiate us.</p> <p>20 We are -- or in my case, I'm a driver, so,</p> <p>21 you know, I have a DPS -- I have a driver's</p> <p>22 license. But we're talking about -- I talked a lot</p> <p>23 about the elderly and the very young, African American</p> <p>24 elderly and very young, which is an area that I know an</p> <p>25 awful lot about.</p>	<p style="text-align: center;">76</p> <p>1 purpose of the bill.</p> <p>2 Does the Caucus contend that preventing</p> <p>3 in-person voter fraud is not the purpose of Senate Bill</p> <p>4 14?</p> <p>5 MR. TANNER: I'm going to object to the</p> <p>6 form of the question and that it calls for a legal</p> <p>7 conclusion. You know, purpose is a complex legal</p> <p>8 question that involves a lot of specific factors, and we</p> <p>9 can go through those one by one if you like. But I'd</p> <p>10 like to stay away from legal conclusions. You know,</p> <p>11 those are reflected in documents filed by the court.</p> <p>12 MR. FREDERICK: Let me --</p> <p>13 MR. TANNER: And will he reflected in</p> <p>14 additional documents filed by the court by various</p> <p>15 parties.</p> <p>16 MR. FREDERICK: Fair enough.</p> <p>17 Q. (By Mr. Frederick) Let me see if -- let me just</p> <p>18 ask you before I move on: Do you understand -- do you</p> <p>19 understand my question about the purpose of SB 14, or do</p> <p>20 you need me to rephrase?</p> <p>21 A. Would you rephrase?</p> <p>22 MR. TANNER: Yeah. I think that in terms</p> <p>23 of form of a question about the purpose of the</p> <p>24 legislative act would need to be open to the possibility</p> <p>25 that there are multiple purposes held by multiple</p>



<p style="text-align: center;">77</p> <p>1 legislators in terms of what actually is going on. I</p> <p>2 think the Court would be able to take judicial notice of</p> <p>3 that. And so we can go among the -- well, I don't want</p> <p>4 to phrase your questions for you.</p> <p>5 MR. FREDERICK: Let me rephrase. I think</p> <p>6 I can avoid the legal confusion.</p> <p>7 Q. (By Mr. Frederick) Does the Caucus contend</p> <p>8 that the Texas legislature did not actually pass SB 14</p> <p>9 in order to prevent in-person voter fraud?</p> <p>10 MR. TANNER: I think you've just</p> <p>11 rephrased, but it has the same problem as to the</p> <p>12 form. And the possibility, again, of multiple forms of,</p> <p>13 you know, that -- the witness would be in a position to</p> <p>14 answer whether that was a stated purpose of it or</p> <p>15 whether she heard on the Floor or elsewhere statements</p> <p>16 of legislators to that effect.</p> <p>17 Q. If I were to ask you what the purpose of a</p> <p>18 bill, a piece of legislation was, what would you -- what</p> <p>19 is your understanding of purpose, i.e., legislative</p> <p>20 purpose, if you have one?</p> <p>21 A. Well, the purpose usually comes from the person</p> <p>22 who is bringing the bill and saying "We're doing this</p> <p>23 because of that, and this is what we're trying to</p> <p>24 accomplish."</p> <p>25 Q. Was there -- are you aware or is the Caucus</p>	<p style="text-align: center;">79</p> <p>1 leeway. And there are many purposes the many members of</p> <p>2 the legislature have, and ultimately, you know, you do</p> <p>3 get down to certain factors as for a legal sense of</p> <p>4 whether they're a purpose, and I think the form of the</p> <p>5 question needs to be clearer as to that.</p> <p>6 MR. FREDERICK: I think the -- I think the</p> <p>7 questions have been clear, because the witness has been</p> <p>8 able to answer. So I think that -- I don't think that</p> <p>9 there's a problem with the form of the questions. I</p> <p>10 believe that the witness has understood them and is</p> <p>11 perfectly capable of answering them, as far as she</p> <p>12 understands, so I would like to reask the question.</p> <p>13 MR. TANNER: As far as she understands in</p> <p>14 terms of the position of the Caucus.</p> <p>15 MR. FREDERICK: Exactly.</p> <p>16 Q. And let me be clear. I'm not asking for any</p> <p>17 legal conclusions. I'm just asking for what does the</p> <p>18 Caucus believe?</p> <p>19 A. Uh-huh.</p> <p>20 Q. And that's it. So let's see if I can remember</p> <p>21 my last question.</p> <p>22 Does the Caucus contend that there are</p> <p>23 any -- that there's any other specific purpose other</p> <p>24 than preventing in-person voter fraud behind SB 14?</p> <p>25 A. Well, I know I answered that before in another</p>
<p style="text-align: center;">78</p> <p>1 aware of a stated purpose for Senate Bill 14?</p> <p>2 A. Yes. I would have to -- to look at the House</p> <p>3 research. But obviously, the stated purpose was not --</p> <p>4 it was to -- the stated purpose was to prevent voter</p> <p>5 fraud, voter impersonation, loosely, generally, I'll say</p> <p>6 was the stated purpose.</p> <p>7 Q. Does the Caucus contend that there was any</p> <p>8 other purpose behind SB 14, stated or unstated?</p> <p>9 A. I would have to say that the Caucus does not</p> <p>10 believe that this bill does anything to prevent voter</p> <p>11 impersonation, nothing.</p> <p>12 Q. I understand that and I appreciate that. I</p> <p>13 guess I'm asking a slightly different question. Whether</p> <p>14 or not -- well, understanding that the Caucus may</p> <p>15 believe that it may not accomplish the stated purpose --</p> <p>16 A. Uh-huh.</p> <p>17 Q. -- does the Caucus contend that there was any</p> <p>18 other purpose behind SB 14, whether it was stated or</p> <p>19 unstated?</p> <p>20 A. I think the Caucus's position would be that</p> <p>21 they have questions about what the purpose was.</p> <p>22 Q. Does the Caucus contend that there was any</p> <p>23 other specific purpose behind SB 14?</p> <p>24 MR. TANNER: I -- again, I'm going to</p> <p>25 object to the form. I've been trying to give</p>	<p style="text-align: center;">80</p> <p>1 way, and Mr. Frederick, that's the only way that I can</p> <p>2 answer that. The Caucus didn't say, "Hey, this is the</p> <p>3 real deal or that's the real deal." What the Caucus</p> <p>4 said is this bill doesn't do what we've been told it's</p> <p>5 supposed to do, what the purpose is. It doesn't do</p> <p>6 anything to improve that situation.</p> <p>7 So I cannot tell you, you know, I cannot</p> <p>8 tell you more than that. But other than the fact that</p> <p>9 this doesn't -- this is not going to do anything to --</p> <p>10 and do we even have a problem in the state with people</p> <p>11 impersonating someone else and voting for someone else?</p> <p>12 Those are the kinds of discussions that the Caucus has</p> <p>13 had, to the best of my knowledge.</p> <p>14 Q. I understand that. I appreciate that. So is</p> <p>15 it your testimony then that the Caucus doesn't contend</p> <p>16 that there's a different unstated purpose other than</p> <p>17 preventing in-person voter fraud behind SB 14?</p> <p>18 A. I can't say that --</p> <p>19 MR. TANNER: Again, is the form. You're</p> <p>20 presuming that there is one purpose among of legislature</p> <p>21 with a lot of people who are, as we've already</p> <p>22 discussed, individuals --</p> <p>23 MR. FREDERICK: Uh-huh.</p> <p>24 MR. TANNER: -- who -- and the whole</p> <p>25 notion that there's one purpose in a legislative act is</p>



81

1 --

2 MR. FREDERICK: I understand. I think
3 this has been addressed by the Court as a legal issue in
4 a lot of orders and filings.

5 Q. (By Mr. Frederick) I want to be clear to you,
6 Representative Giddings, I am -- I do not intend to
7 presume that there is a single purpose. In fact, what
8 I'm trying -- I'm just asking you whether the Caucus
9 contends that there were other specific purposes. So I
10 think my question presumes that there may not be a
11 single purpose.

12 So what I'm asking is: Can -- does the
13 Caucus contend that there is another specific purpose
14 besides preventing in-person voter fraud behind SB 14?

15 A. That there is another specific purpose?

16 Q. Yeah.

17 A. I'm not sure that I can speak for the Caucus on
18 that issue other than to -- to go back to what I said; I
19 mean to say, this bill is not going to do anything for
20 this situation. So I can't say that -- I can't speak
21 for the Caucus on the other part. All I can speak to
22 is, at this point, is just what I said, that the bill
23 doesn't seem to accomplish the stated purpose.

24 Q. And does that lead the Caucus to believe that
25 there is another purpose behind the bill?

82

1 A. Well, I won't say for the Caucus, but it always
2 leads people to ask questions. If the purpose is this
3 and it doesn't accomplish that, then there's always a
4 question of what does it do? And that's not with just
5 this bill, that's with every -- you know, every bill or
6 many bills. So I am not sure, you know, how to answer
7 that, rather than we took it from the opposite end, it
8 doesn't do that, but here's what it is going to do on
9 the other side.

10 Q. Has any legislator made any statement that
11 you're aware of that there was another purpose other
12 than preventing in-person voter fraud behind SB 14?

13 A. Has any other legislator? I -- now, this --
14 I'm testifying for the Caucus, for the entity, for the
15 organization, and whether the -- whether or not the
16 organization has any information along those lines, I'm
17 not aware.

18 Q. Does the Caucus contend that the Texas
19 legislature intended to harm African American voters by
20 passing SB 14?

21 MR. TANNER: That's the same objection.

22 Q. (By Mr. Frederick) You can answer.

23 A. I think what the -- what the Texas legislative
24 Black Caucus did is forget about -- well, I think what
25 the Texas Legislative Black Caucus did is look at

83

1 results, what will the result of this be? That's where
2 they hung their hat.

3 Q. So would it be fair to say then that the Caucus
4 does not actually contend that the legislature
5 intentionally acted to harm African American voters by
6 passing SB 14?

7 MR. TANNER: We're going to object to the
8 form of the question in that it calls for a legal
9 conclusion for the grounds I've stated before. The
10 contentions of the Caucus are stated in the papers that
11 are filed thus far, and we're happy to answer factual
12 questions about -- you asked about the activity on the
13 Floor. And given the nature of the issues in the case,
14 it would be more appropriate, a more appropriate form of
15 the question to ask whether the passage of the bill
16 satisfied the Caucus, that it was entirely free of any
17 racial or discriminatory purpose or effect.

18 MR. FREDERICK: John, with respect, I'm
19 going to object on the record. I would ask you not to
20 coach the witness. I believe I understand you need to
21 object, but -- and I appreciate your thoughts on the
22 questions, but I believe that we're getting pretty close
23 to a line. So I would respectfully request that I just
24 be allowed to ask the witness questions. You may
25 certainly object, but I would ask that the witness be

84

1 permitted to answer subject to your objection.

2 MR. TANNER: I'm certainly not trying to
3 coach the witnesses, and now it's getting into legal
4 discussion or legal language in terms of talking to you
5 about it. And the witness has been very forthcoming in
6 answering the questions, and I'm sure we'll continue to
7 be so.

8 Q. (By Mr. Frederick) Does the Caucus contend
9 that SB 14 was passed with a racially discriminatory
10 purpose?

11 A. I guess if you're not a member of the
12 legislature, this is very hard to understand. We pass
13 lots of legislation, you know, on occasion, that we
14 think is going to do this. And we pass it, and we try
15 to pass it for the purpose of doing that, but sometimes
16 the effect is something else.

17 I'm personally involved in one of those
18 cases right now which went before a committee that I
19 chaired. We passed the legislation to do this. It's
20 not racially anything to do with this. But now we're
21 finding out that the legislation really -- the effect of
22 the legislation is really this. And so sometimes you
23 deal more with the effect than you do with the purpose,
24 and so that's what we've dealt with here is the effect
25 of this legislation, and what it does, what it might do,



85

1 what we believe that it will do in terms of African
2 Americans.

3 So that's not uncommon, not just with the
4 bill, but with lots of bills. I mean, you know, there's
5 a purpose and then there's, you know, what is the -- you
6 know, what is the result of that. And so lots of times
7 we don't concentrate so much on -- we concentrate on
8 what's going to happen if this bill gets passed.

9 Q. Sure.

10 A. And that's where we came down. What's going to
11 happen, you know, on African American -- to -- to just
12 people in general and particularly African Americans if
13 the bill gets passed, that's -- that's sort of where
14 we've come down.

15 And as a legislator, this is probably too
16 much information, you do your best not to try to get
17 into -- it's hard to get into the heads and hearts of
18 people who are trying the pass legislation, but I think
19 -- I think it's fair game when you start to talk about
20 what's the result of this. What's going to happen as a
21 result of this piece of legislation being passed?

22 Q. I appreciate that. That's -- I mean, that's
23 very helpful, and it kind of -- it helps me phrase the
24 question: What -- I mean, I guess what I'm trying to
25 get at is: Does the Caucus contend that any member of

86

1 the Texas legislature who supported SB 14 did so in
2 order to, you know, have the kind of negative effects on
3 African Americans that the Caucus believes the
4 legislation may have?

5 MR. TANNER: I think the witness has
6 already answered that question by her statement that
7 that's not the focus of -- of her approach. And again,
8 the legal contentions the Caucus has set forth in the
9 documents and the witness is trying provide as much
10 information as she can about the actual experience of
11 the -- of the legislature.

12 Q. (By Mr. Frederick) Do you remember the
13 question?

14 A. Yes. And Mr. Frederick, my answer is going to
15 be the same, because, you know, I'm very -- very sincere
16 about that. I mean, there are lots of times when you
17 just -- you have to -- you have to look at the results
18 of something, and not the purpose, and I can't get into
19 another legislator's head, and they can't get into
20 mine. I've passed pieces of legislation that I thought
21 the purpose was this, and the result was that.

22 And so it's -- it's the same, it's the
23 same with this. I mean, that's how I personally looked
24 at it, and I think that's how the Caucus looked at it
25 is, you know, what effect will this have on some of our

87

1 voters, some of the people that we represent. We looked
2 at it that way. And also, we had lots of -- lots of
3 communication with lots of people who believed that it
4 was going to have a negative effect on being able to --
5 to get voters out.

6 Q. And I -- you understand the difference between
7 purpose and effect, right?

8 A. Not in a legal sense, I don't.

9 Q. No, no. And I'm not asking a legal sense.
10 Based on your previous answers, I believe you testified
11 that, you know, sometimes when you pass legislation,
12 there's a purpose, and then it might have an effect that
13 you didn't think it would have.

14 A. Uh-huh.

15 Q. So I mean in that sense --

16 A. Uh-huh.

17 Q. -- you understand the difference between the
18 purpose of a bill and its effect?

19 A. Uh-huh.

20 Q. Is that right?

21 A. (Witness nods head yes.)

22 Q. And all -- and so what I'm -- my question is:
23 In that sense, does -- is it the Caucus's position that
24 there was a racially discriminatory purpose for the
25 passage of SB 14?

88

1 MR. TANNER: That --

2 A. If there was a what?

3 Q. Racially discriminatory purpose?

4 A. Is it the Caucus's contention?

5 Q. Correct.

6 A. I -- I'm not -- I can't answer that any other
7 way than -- than I've answered it and not because of
8 this, but just because that's the way in a lot of cases
9 we measure legislation. I'm dealing right now with the
10 lease purchase that came through my committee. The
11 intention was to help some people over there who had
12 gotten in bad situations and never got deeds. The
13 effect was we pretty much closed down lease purchases in
14 the state of Texas. So the effect was we pretty much
15 closed down lease purchases in the state of Texas. So
16 that was the effect, wasn't my bill, somebody else's,
17 that was the effect of that legislation.

18 And so that's what we -- that's basically
19 what I try to deal with is effect. You know, what's the
20 real effect? The purpose might be this, but when you
21 put it all together, this is what the effect is going to
22 be.

23 Q. The lease purchase bill that you mentioned, I
24 mean, despite its effect, you can say that the purpose
25 was something else and it had this different effect,



<p style="text-align: center;">89</p> <p>1 right?</p> <p>2 A. Uh-huh.</p> <p>3 Q. So, I mean, it's true, isn't it, that a bill</p> <p>4 may have one purpose, and then it may have an</p> <p>5 unanticipated or unintended effect, right?</p> <p>6 A. Uh-huh.</p> <p>7 Q. This may be a better way of phrasing my</p> <p>8 question is: Is it the Caucus's position that -- that</p> <p>9 SB 14, that any legislator intended SB 14 to have a</p> <p>10 negative effect on African American voters?</p> <p>11 A. I think that would be, you know, just a real,</p> <p>12 real stretch for me to get it. There's 150 of us over</p> <p>13 there in the House. We're just like the rest of</p> <p>14 society, you know. The vast majority of us are well-</p> <p>15 intentioned. The big, big vast majority of us are well-</p> <p>16 intentioned. We just reflect society.</p> <p>17 I try not to -- not to, on a personal</p> <p>18 basis, judge legislators or legislation from, you know,</p> <p>19 from that standpoint. And you know, all of my remarks</p> <p>20 regarding redistricting, and other than passing an</p> <p>21 amendment, I didn't actually go to the mic on this, I</p> <p>22 don't think, other than to pass an amendment.</p> <p>23 I just have to go back to the effect,</p> <p>24 which is I think why -- why the Caucus is involved is</p> <p>25 because of the effect. And I understand that there may</p>	<p style="text-align: center;">91</p> <p>1 thought I could be responsive by dealing with effect.</p> <p>2 Q. And let me -- I think it may help if I just</p> <p>3 back up from what we've been talking about. A basic</p> <p>4 question is: Are you aware of the claims or defenses</p> <p>5 that the Caucus has asserted in this lawsuit?</p> <p>6 A. I'm smiling, because I am not.</p> <p>7 Q. Okay.</p> <p>8 A. I'm, you know, I -- I just came on with my</p> <p>9 basic knowledge of the Caucus and that. So have I --</p> <p>10 have I read the filing or the pleading or the whatever?</p> <p>11 Sir, I have not.</p> <p>12 Q. To your knowledge -- and I'm asking only about</p> <p>13 what has been alleged in this lawsuit, I'm not asking</p> <p>14 you to give me a legal answer. To your knowledge, has</p> <p>15 the Caucus claimed in this lawsuit that there was a</p> <p>16 discriminatory purpose behind SB 14?</p> <p>17 A. I have -- I have not read -- I'm not sure what</p> <p>18 it's called, the filing, the pleading, the whatever, I</p> <p>19 have not read that at all.</p> <p>20 Q. So you don't know whether the Caucus has</p> <p>21 asserted that there was a --</p> <p>22 MR. TANNER: Asked and answered.</p> <p>23 Q. (By Mr. Frederick) Okay. So you don't know</p> <p>24 whether the Caucus has asserted in this lawsuit that</p> <p>25 there was a discriminatory purpose behind SB 14?</p>
<p style="text-align: center;">90</p> <p>1 be some legal standards as it relates to purpose. And</p> <p>2 as an attorney, I'm not -- I don't think I'm qualified</p> <p>3 to speak on those, but beyond that, just as a</p> <p>4 legislator, I don't -- I can't speak of -- I can't say</p> <p>5 that the Caucus never -- I cannot say what -- about were</p> <p>6 there other purposes or whatever, but what I can talk</p> <p>7 about is -- is the result and effect of it.</p> <p>8 Q. Earlier we went through the deposition notice,</p> <p>9 and we looked at some of the topics.</p> <p>10 A. Uh-huh.</p> <p>11 Q. And the first -- let's see if I can find it</p> <p>12 here. This was -- this would have been Exhibit 1, but</p> <p>13 the first topic was: "The factual basis of Texas</p> <p>14 Legislative Black Caucus's claims or defenses in this</p> <p>15 lawsuit, including any contention that Senate Bill 14</p> <p>16 was enacted for the purpose or will have the effect of</p> <p>17 denying or abridging the rights to vote on account of</p> <p>18 race, color or membership in a language minority group."</p> <p>19 A. And I took that to mean either/or. And you</p> <p>20 know, or --</p> <p>21 Q. Right.</p> <p>22 A. -- "or" means purpose or effect.</p> <p>23 Q. Right.</p> <p>24 A. And while I could not speak to purpose</p> <p>25 directly, I'm hanging my hat on effect. And so I</p>	<p style="text-align: center;">92</p> <p>1 A. No, sir. I -- I have not -- I have not read</p> <p>2 the -- I've not read the document.</p> <p>3 Q. Okay. If there were -- if there were evidence</p> <p>4 that -- that African American voters possessed the</p> <p>5 required photo identification at the same rate or level</p> <p>6 as every other group of voters, would the Caucus --</p> <p>7 would the Caucus -- would the Caucus still contend that</p> <p>8 the bill would have a negative effect on African</p> <p>9 American turnout or voting?</p> <p>10 A. I think that --</p> <p>11 MR. TANNER: I think that question has</p> <p>12 been asked and answered several times. The witness has</p> <p>13 testified repeatedly about the special burdens that face</p> <p>14 African American voters, in particular, who may not have</p> <p>15 one of the qualifying documents, including the birth</p> <p>16 certificate and including the driver's license, because</p> <p>17 of the various disparities that to which the witness has</p> <p>18 testified.</p> <p>19 Q. (By Mr. Frederick) And let me ask it again,</p> <p>20 because I'm asking you, and I realized that this may ask</p> <p>21 you to assume something that's different from what the</p> <p>22 Caucus contends in the case. But if there were evidence</p> <p>23 that showed that there was not a disparity in ID</p> <p>24 possession --</p> <p>25 A. Uh-huh.</p>



93

1 Q. -- would the Caucus still contend that SB 14
2 would have a negative effect on African American turnout
3 on voting participation?

4 MR. TANNER: Or has the Caucus taken a
5 position to that?

6 A. Well, I was -- I was going to say there,
7 Mr. Frederick, that if I'm speaking here for the Caucus,
8 I can't answer that question. Because number one, we've
9 never believed that, and therefore, we've never had any
10 discussion that would lead us to be able to answer the
11 question that you've -- that you've just asked, because
12 we've never believed that to be the case as a Caucus.

13 On a personal basis, I would still have to
14 wonder about the effects, the historical effects on
15 African American turnout. There's no way that that can
16 ever be discounted. It's just like people going to the
17 museum. For many, many years, people of color didn't
18 get to go to the museum. Now they can go to the
19 museum. Do they go in the numbers that they should?
20 No, they don't.

21 And so there's -- at this point, I don't
22 know when the time will come when we can say, you know,
23 people being killed because they wanted to vote is not
24 affecting what's happening to voting today. But -- but
25 the Caucus never addressed that, because the Caucus

94

1 never believed that to be -- to be the case. That would
2 be interesting to see.

3 Q. But it's possible, isn't it? I mean, I'm not
4 all at all trying to discount the effect of history on
5 voting.

6 A. Uh-huh.

7 Q. But it's possible, isn't it, that history could
8 have an effect on its own even if it turned out that SB
9 14 didn't require anybody to go get a new ID?

10 MR. TANNER: I believe that the witness
11 already has testified that that's not something that the
12 Caucus has taken a position on.

13 Q. (By Mr. Frederick) Can you answer the
14 question?

15 A. Well, if I'm answering -- and I'm here, you
16 know, for the Caucus and to talk about our proceedings
17 and the things that we did. It's not something that we
18 could -- that I could answer. But I do really want to
19 understand the question you just posed.

20 Q. Sure. We've talked a lot about the history,
21 and you know, as I understand it, the -- your testimony
22 has been that the history of discrimination and violence
23 associated with voting --

24 A. Uh-huh.

25 Q. -- specifically toward African Americans in

95

1 Texas, has an effect on how many African American people
2 vote; is that accurate?

3 A. I think that's right.

4 Q. And so it seems to me, based on that testimony,
5 that even -- you know, even if SB 14 didn't exist, that
6 history might have some effect on African American
7 turnout, African American voting; is that right?

8 A. I think that that history has an effect today,
9 if that's what you're asking me. Does that history have
10 an effect today? Yes. You know, are we getting -- is
11 it getting better? Yes, it is. Will this cause us to
12 make a turn and go back the other way? Quite possibly.

13 Q. And what I'm trying to get at is: What is --
14 I'm just trying to figure out, if I can, what it is that
15 SB 14 would add to the history? What additional burden
16 or deterrent, or whatever the word would be, what that
17 would add to the history?

18 MR. TANNER: I've got to object. This has
19 been asked many times, and the witness has talked about
20 this in response to many questions. And I -- it's been
21 asked and answered over and over again. You keep trying
22 -- you know, the --

23 MR. FREDERICK: I mean, I think the
24 objection is on the record. I respectfully disagree
25 that the specific question has been asked or answered.

96

1 Q. (By Mr. Frederick) So can you answer the
2 question? Do I need to have it read again?

3 A. Yes, would you?

4 Q. Of course.

5 MR. FREDERICK: Could you please read the
6 last question?

7 (The requested portion was read back by
8 the court reporter.)

9 A. What it would add to the history? I don't know
10 that it's going to add to the history, but what it's
11 going to do is make it more difficult for some people,
12 as I just talked about, people who don't have birth
13 certificates, people who don't have a driver's license,
14 who may not have a car to get to. So it creates an
15 additional step that has to be taken, and that
16 additional step for some people is not simple or easy.
17 They have to do some things to take that additional
18 step, some of which they may want to do, and they may
19 not be able to do.

20 But we -- we really want to make it easy
21 for people who are eligible to vote, to vote. We really
22 want people to think that government is by the people,
23 for the people and of the people. And they are the
24 people, and they ought to be able to vote. And so we
25 want more people who are eligible and legal voters to



<p style="text-align: center;">97</p> <p>1 vote in this process. Not people who want -- we don't</p> <p>2 want to step back from that. I mean, it's against</p> <p>3 everything I think that we believe in as a country, as a</p> <p>4 state, as a people. And if we're not accomplishing --</p> <p>5 if we're not seeing the result, if it's not -- if it's</p> <p>6 not solving a problem -- and in our opinion, it's not</p> <p>7 solving a problem, it's causing a problem. Why are we</p> <p>8 doing it?</p> <p>9 Q. Okay. I appreciate that.</p> <p>10 So last question: So what it would add,</p> <p>11 then, just to sum it up, it just adds that people might</p> <p>12 have to go get an ID that they don't have; is that</p> <p>13 right?</p> <p>14 A. And going to get that might require them some</p> <p>15 financial resources. It might require that they may not</p> <p>16 be able to do it at all. And so then, if they can't do</p> <p>17 it at all, it would deny them the right to vote, which</p> <p>18 is something that we certainly would not want to</p> <p>19 happen. But we might set up a scenario where for some</p> <p>20 people, at least in the near future, they may be able to</p> <p>21 correct it if given some time, but they may not be able</p> <p>22 to vote at all because they don't have the required</p> <p>23 documents for whatever reason.</p> <p>24 Q. Thank you.</p> <p>25 A. Thank you.</p>	<p style="text-align: center;">99</p> <p>1 Q. Or the number of Latinos who would be affected</p> <p>2 by any of the laws?</p> <p>3 A. You know, this is taxing my memory, because we</p> <p>4 did this in '9 and '11, I think, but I don't recall --</p> <p>5 Q. Okay.</p> <p>6 A. -- such a study.</p> <p>7 Q. On the Floor of the legislature and in the</p> <p>8 discussions among legislators, you testified that there</p> <p>9 was a stated purpose --</p> <p>10 A. Yes.</p> <p>11 Q. -- to prevent ID, and that no one produced</p> <p>12 examples of voter impersonation. On the Floor of the</p> <p>13 legislation, did -- on the Floor of the Legislature,</p> <p>14 excuse me, did members of the Black Caucus and others</p> <p>15 voice concerns such as you have voiced today, about the</p> <p>16 discriminatory impact on minority voters by such a</p> <p>17 requirement as -- by such a requirement?</p> <p>18 A. There was a great deal of discussion as it</p> <p>19 relates to the effect of this legislation.</p> <p>20 Q. And were advocacy groups also presenting to</p> <p>21 members of the legislature various studies and</p> <p>22 statistics about the impact of the bill?</p> <p>23 A. Well, I can't speak to studies and statistics</p> <p>24 specifically, but I can say that advocacy groups were</p> <p>25 coming in and saying this is going to be the effect, and</p>
<p style="text-align: center;">98</p> <p>1 MR. FREDERICK: I will reserve further</p> <p>2 questions until the time of trial.</p> <p>3 MR. TANNER: I've just got a few</p> <p>4 questions.</p> <p>5 EXAMINATION</p> <p>6 BY MR. TANNER:</p> <p>7 Q. Representative Giddings?</p> <p>8 A. Yes.</p> <p>9 Q. The voter ID measure has been before the</p> <p>10 legislature several times during your -- a voter -- one</p> <p>11 voter ID bill or another has been before the legislature</p> <p>12 several times during your tenure; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. During any of those periods, to the best</p> <p>15 of your knowledge, and the best of the Caucus's</p> <p>16 knowledge, did the State ever produce examples of voter</p> <p>17 impersonation fraud that would be prevented by</p> <p>18 possession of a voter ID?</p> <p>19 A. Not that I'm aware of.</p> <p>20 Q. Okay. During that time, did the State or the</p> <p>21 people who were pushing the -- supporting the bill, get</p> <p>22 any state agency or other authority to provide a study</p> <p>23 of the number of Black voters who would be affected by</p> <p>24 the law?</p> <p>25 A. I'm not aware of that study.</p>	<p style="text-align: center;">100</p> <p>1 I'm sure some of those had studies and what not, but I</p> <p>2 can't specifically recall the studies myself.</p> <p>3 Q. In the course of your tenure in the</p> <p>4 legislature, has the history of discrimination against</p> <p>5 minority voters in Texas been discussed frequently?</p> <p>6 A. Absolutely.</p> <p>7 Q. And particularly, the history of discrimination</p> <p>8 in the area of voting --</p> <p>9 A. Yes.</p> <p>10 Q. -- has that been discussed in the legislature?</p> <p>11 A. Yes, it has.</p> <p>12 Q. Has it been discussed many times over the</p> <p>13 years?</p> <p>14 A. It has been discussed many times over the</p> <p>15 years.</p> <p>16 Q. How about the social and economic disparities;</p> <p>17 any social and economic disparities that may exist</p> <p>18 between minority voters and Anglo voters, you mentioned</p> <p>19 earlier, the great disparity in wealth. Has that been</p> <p>20 discussed before the legislature many times?</p> <p>21 A. Absolutely. Health disparities, disparities in</p> <p>22 the insurance -- in insureds, the disparities exist out</p> <p>23 there, and we discuss those frequently.</p> <p>24 Q. In this last iteration of the voter ID bill</p> <p>25 that was passed, SB 14, did the legislature -- well,</p>



<p style="text-align: center;">101</p> <p>1 backing up a step.</p> <p>2 Does the legislature normally have a</p> <p>3 two-thirds rule on consideration of legislation?</p> <p>4 A. In the Senate.</p> <p>5 Q. In the Senate?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And did, in this instance, the Senate</p> <p>8 abandon the two-thirds requirement for the voter -- for</p> <p>9 SB 14?</p> <p>10 A. That is my understanding. I'm more familiar</p> <p>11 with, you know, what went on in the House, but it is my</p> <p>12 understanding.</p> <p>13 Q. Okay. And the House, is there a practice in</p> <p>14 the Texas legislature called "chubbing"?</p> <p>15 A. Yes.</p> <p>16 Q. Could you explain briefly, for those not</p> <p>17 familiar with the Texas legislature, what chubbing is?</p> <p>18 A. Well, chubbing is a practice that members have</p> <p>19 when they find something so very objectionable that they</p> <p>20 just keep talking and talking and talking and talking,</p> <p>21 and they try to talk -- talk the bill into the death</p> <p>22 chamber, I guess.</p> <p>23 Q. Is it fair to characterize that as similar to a</p> <p>24 filibuster?</p> <p>25 A. Yes, it is. Very much so.</p>	<p style="text-align: center;">103</p> <p>1 Q. All right. In addressing the circumstances or</p> <p>2 in terms of your knowledge of the circumstances of the</p> <p>3 minority community in Texas, about how many</p> <p>4 communications per year do you have meetings, town</p> <p>5 halls, telephone calls, e-mails, other letters, other</p> <p>6 communications, do you get a year that describe the</p> <p>7 circumstances of the Black community in Texas?</p> <p>8 A. Oh, I mean, there's no way I could count</p> <p>9 those. I mean, it's just too numerous to count. If</p> <p>10 you're asking me how many telephone calls I get talking</p> <p>11 about whether it's voter ID, whether it's redistricting,</p> <p>12 whether it's health care disparities, whether it's</p> <p>13 educational disparities, if you're asking me how many of</p> <p>14 those I get, there's no way I could count those. I</p> <p>15 mean, it's just a continuous flow of communication.</p> <p>16 Q. And that is -- has that been the case for you</p> <p>17 and other members of the Caucus for many years?</p> <p>18 A. For many years, yes.</p> <p>19 Q. And on various issues you receive statistics</p> <p>20 and studies from state agencies and other sources?</p> <p>21 A. Yes.</p> <p>22 Q. In terms -- if this goes through, if SB 14</p> <p>23 becomes effective as law, will that change the burdens</p> <p>24 on you as a member of the legislature or as a leader in</p> <p>25 your community, in terms of responding to requests from</p>
<p style="text-align: center;">102</p> <p>1 Q. In the instance of the passage of SB 14, the</p> <p>2 voter ID bill in this instance, did the legislature take</p> <p>3 steps to prevent chubbing? To the best of your</p> <p>4 recollection?</p> <p>5 A. You know, I'm -- I'm going to have to say that</p> <p>6 I don't really remember. I believe that is the case,</p> <p>7 but I cannot say definitively. I know that there were</p> <p>8 bills, maybe, I don't remember specifically what bill it</p> <p>9 might have affected.</p> <p>10 Q. Are you an officer of the Caucus?</p> <p>11 A. I am.</p> <p>12 Q. What office?</p> <p>13 A. Secretary.</p> <p>14 Q. Now, you've testified some about the structure</p> <p>15 or lack of structure of the Caucus, of the independence</p> <p>16 of the members, of the small budget, and Mr. Frederick</p> <p>17 has elicited information about the absence of studies</p> <p>18 conducted by the Caucus on any issues.</p> <p>19 A. Uh-huh.</p> <p>20 Q. About how many, if you can give any sort of</p> <p>21 ballpark, communications do you have with constituents</p> <p>22 and advocates and others about the circumstances of the</p> <p>23 Black community in Texas?</p> <p>24 A. Okay. I got lost. I'm somewhere. I'm</p> <p>25 sorry. Repeat that.</p>	<p style="text-align: center;">104</p> <p>1 constituents and others?</p> <p>2 A. Well, I --</p> <p>3 MR. FREDERICK: Object to the form of the</p> <p>4 question.</p> <p>5 Q. (By Mr. Tanner) If SB 14 goes through, will</p> <p>6 there be any change in the number of requests for</p> <p>7 information, such as you mentioned that you go through,</p> <p>8 help a lot of people get replacement or delayed birth</p> <p>9 certificates, I think you called it?</p> <p>10 A. Right. Yes. There's no question that there's</p> <p>11 going to be a greater need for voter education, just</p> <p>12 based on the number of questions that we're getting</p> <p>13 right now. It can -- you know, it can only go up when</p> <p>14 this is actually -- if it's actually implemented. So it</p> <p>15 is going to be an increase in the number of people</p> <p>16 that -- that we communicate and the number of</p> <p>17 communications and trying to help people, who are having</p> <p>18 difficulty, walk through how they can eliminate whatever</p> <p>19 problems they're having in access of the documents that</p> <p>20 they need.</p> <p>21 Q. In response to questions from Mr. Frederick, I</p> <p>22 believe in terms of the voter registration, voter</p> <p>23 education activities of the Caucus and its members, you</p> <p>24 indicated, I believe, if I'm characterizing this</p> <p>25 correctly, that those issues are not separated out, but</p>



105

1 they come up, tend to come up whenever you've have town
2 halls and the summit that you mentioned?

3 A. Right. Yes.

4 Q. Are there a large number of issues, or how many
5 issues do members of the Caucus have to deal with that
6 are of concern, of particular concern to the minority
7 communities in the state?

8 A. Oh, wow. There are just so many issues,
9 because in a lot of cases, you know, we're trying to
10 look at, as I said, eliminate disparities, whether they
11 are -- whether they be in education and the number of
12 students of color who are not achieving at the level
13 they should be. That's a whole big conversation.
14 Health care is a -- is a big conversation.

15 There are just any number of issues that
16 are before us. In addition to that, you know, we've got
17 House members who are going to file some 4,000-plus
18 bills, and you know, what do you do with all of those
19 bills? So we have a full plate.

20 Q. You have a full plate, and then there are only
21 24 hours in the day; is that correct?

22 A. Right. Yes.

23 Q. So if you are, as you've testified, spending
24 additional time on voter education and other activities,
25 for any new voter ID requirement, what effect would that

106

1 have, if any, on your ability to address other concerns
2 of minority voters?

3 A. Well, if we take some time away from our
4 other -- other issues that are on our plate and -- and
5 we will definitely have to spend some time, a lot of
6 time on education and on assisting our voters here, it's
7 -- it's definitely going to take time away from some of
8 the other issues that we have to -- we have to deal
9 with. This -- this issue is a big concern in my
10 district, and so it's going to take some time deal with
11 it.

12 Q. And getting a delayed birth certificate, I
13 think you mentioned that people have to go back to
14 census records; is that correct?

15 A. There are several things that you can do. As I
16 remember it, you can go get some census records. You
17 can go to your church and get a record that's over 15
18 years old, I think. You can go to your insurance
19 company and get records that are over 15 years old. You
20 can get your oldest living relative to swear that you
21 were born in this time and place and whatever. So
22 it's -- it's a big -- it's a big process that people
23 have -- have had to go through.

24 Q. Have you had to deal with those processes with
25 people who have come from other states?

107

1 A. Well --

2 Q. Texas attracts a lot of people from other
3 states, I know.

4 A. All of the people that we've dealt with have
5 been people who are -- who reported that they were born
6 in Texas, as far as I know. Because, of course, I don't
7 do all the work in my office. I just kind of get a
8 briefing on what's going on, but some of these things,
9 you know, I do get personally involved in.

10 Q. Well, that appears, I think it's a fair
11 characterization, or is it, that this is a fairly
12 complex process that individuals, the average individual
13 would need some assistance in accomplishing.

14 A. Oh --

15 Q. Is that --

16 A. Yes. I think -- I think people definitely need
17 assistance, and even with the assistance in my office,
18 sometimes it's taken us, the person thought forever to
19 assist them, because we can't do it. All we can help
20 them do is to follow the guidelines that are set forth
21 by the Bureau of Vital Statistics.

22 Q. It seems like forever to the person. Are we
23 talking days, weeks, months, years?

24 A. I'm talking in some cases months. I can
25 remember one that actually took months.

108

1 Q. And if a judgment were to come down in this
2 case, say, two months before the election, and if the
3 demand for assistance from your office were to increase,
4 and thus, the demand on other offices increases, would
5 you expect those delays to increase, and the time that
6 it takes to get responses to increase as well?

7 A. From vital statistics and getting the delayed
8 birth certificates? You know, I don't know, really,
9 what that demand would be, but just -- just in general,
10 there are going to be some people, if something -- if
11 people have two months advance notice before they have
12 to produce these documents to vote, in my opinion,
13 you're going to be -- a lot people, for various and
14 sundry kinds of reasons, are simply not going to be able
15 to vote in that election.

16 MR. TANNER: I don't have any further
17 questions at this time.

18 MS. MILLER: Could I ask a question? I'm
19 sorry. I originally said we weren't going to ask any
20 questions.

EXAMINATION

22 BY MS. MILLER:

23 Q. I should be quick. I just want to clarify,
24 Representative Giddings, early on in the deposition, we
25 were talking about the materials you reviewed to prepare



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

<p style="text-align: center;">109</p> <p>1 for the deposition, and one of the things you mentioned</p> <p>2 was the letter from the Department of Justice.</p> <p>3 A. Yes.</p> <p>4 Q. Do you recall -- I think you said the letter</p> <p>5 was dated in March 2012; is that correct?</p> <p>6 A. I -- I have it here. It's the only -- I</p> <p>7 reviewed it this morning. It's stamped March the 12th.</p> <p>8 Q. Okay. And Mr. Frederick characterized that</p> <p>9 letter as the letter in which the Department of Justice</p> <p>10 objected to SB 14. Is there specific language in the</p> <p>11 letter that -- where the Department of Justice objects?</p> <p>12 MR. TANNER: Would you like to point to a</p> <p>13 particular part of the multipage letter?</p> <p>14 Q. (By Ms. Miller) Does the letter ask for</p> <p>15 information from the State?</p> <p>16 A. Well, from -- from what I've seen, the letter</p> <p>17 asked for additional information and also points out,</p> <p>18 makes -- makes certain points like concluding that the</p> <p>19 total number of registered voters who lack a driver's</p> <p>20 license. It provides information, I suppose, that they</p> <p>21 are saying ought to be taken into consideration as it</p> <p>22 relates to SB 14.</p> <p>23 I will say that in order for me to ask</p> <p>24 your question directly, I would have to say -- answer</p> <p>25 your question directly, I would have to sit here and</p>	<p style="text-align: center;">111</p> <p>1 do. As I mentioned, I wanted to know what -- in case</p> <p>2 you asked me, what amendments the Texas Legislative</p> <p>3 Black Caucus had filed, and I didn't want to rely on my</p> <p>4 memory.</p> <p>5 MR. FREDERICK: Thank you very much. I</p> <p>6 don't have any more questions today. I appreciate your</p> <p>7 time very much, Representative Giddings.</p> <p>8 THE WITNESS: Thank you.</p> <p>9 (Deposition concluded at 12:59 p.m.)</p>
<p style="text-align: center;">110</p> <p>1 read this letter, because I read it very quickly just</p> <p>2 before I came over here. And but -- but I don't --</p> <p>3 Q. So just his characterization of the letter</p> <p>4 objects to SB 14. Is there any specific language that</p> <p>5 would make you concur that this is an objection to the</p> <p>6 bill?</p> <p>7 A. Just, well, you know, generally, on behalf of</p> <p>8 the -- I object to Sections 9 and 14 of SB 14.</p> <p>9 Q. Okay.</p> <p>10 A. Would that -- I suppose. I see that language.</p> <p>11 But not -- I don't see language as it relates to SB 14,</p> <p>12 overall. But this -- let me point out for the record</p> <p>13 that this is a five -- this is a six-page letter in</p> <p>14 probably 6-point, no bigger than 8-point, so it was a</p> <p>15 very quick reading that I did this morning, and -- but,</p> <p>16 no, I don't see an objection, per se, overall, to SB 14,</p> <p>17 but certain sections.</p> <p>18 MR. MILLER: Thank you.</p> <p>19 MR. TANNER: Matt, do you have anything</p> <p>20 else?</p> <p>21 MR. FREDERICK: I don't think so, except</p> <p>22 that if I could, I know that you brought some documents,</p> <p>23 do you mind if I look at the documents that you brought</p> <p>24 with you?</p> <p>25 THE WITNESS: No. I don't think that I</p>	<p style="text-align: center;">112</p> <p>1 CHANGES AND SIGNATURE</p> <p>2 RE: TEXAS VS. HOLDER, ET AL</p> <p>3 PAGE LINE CHANGE REASON</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 I, REPRESENTATIVE MAY HELEN GIDDINGS, have read the</p> <p>21 foregoing deposition and hereby affix my signature that</p> <p>22 same is true and correct, except as noted above.</p> <p>23 _____</p> <p>24 _____</p> <p>25 REPRESENTATIVE MAY HELEN GIDDINGS</p>



113

1 THE STATE OF _____)
 2 COUNTY OF _____)
 3
 4 Before me, _____, on this day
 5 personally appeared REPRESENTATIVE MAY HELEN GIDDINGS,
 6 known to me (or proved to me under oath or
 7 through _____ (description of identity
 8 card or other document) to be the person whose name is
 9 subscribed to the foregoing instrument and acknowledged
 10 to me that they executed the same for the purposes and
 11 consideration therein expressed.
 12 Given under my hand and seal of office
 13 this _____ day of _____, 2012.
 14
 15
 16

NOTARY PUBLIC IN AND FOR
 THE STATE OF _____

115

1 was duly sworn by the officer and that the transcript of
 2 the oral deposition is a true record of the testimony
 3 given by the witness;
 4 That the deposition transcript was submitted on the
 5 _____ day of _____, 2012, to the witness or to the
 6 attorney for the witness for examination, signature and
 7 return to _____, by
 8 _____, 2012; and if returned, the original
 9 transcript will forwarded to Matthew Frederick, the
 10 custodial attorney;
 11 That the amount of time used by each party at the
 12 deposition is as follows:
 13 Mr. Frederick: 2 hours, 36 minutes
 14 Mr. Tanner: 17 minutes
 15 Ms. Miller: 7 minutes
 16 I further certify that I am neither counsel for,
 17 related to, nor employed by any of the parties or
 18 attorneys in the action in which this proceeding was
 19 taken, and further that I am not financially or
 20 otherwise interested in the outcome of the action.
 21 Certified to by me this 7th day of June, 2012
 22
 23 Chris Carpenter, Texas CSR 1151
 24 Expiration Date: 12/31/2012
 25 100 Congress Avenue, Suite 2000
 Austin, TX 78701
 (512)328-5557
 Firm Registration No. 283

114

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE DISTRICT OF COLUMBIA
 3 STATE OF TEXAS,)
 4 Plaintiff,)
 5 VS.)
 6 ERIC H. HOLDER, JR. in his)
 7 official capacity as Attorney)
 8 General of the United States,)
 9 Defendant,)
 10 ERIC KENNIE, et al,)
 11 Defendant-Intervenor,)
 12 TEXAS STATE CONFERENCE OF) CASE NO. 1:12-CV-00128
 13 NAACP BRANCHES,) (RMC-DST-RLW)
 14) Three-Judge Court
 15 Defendant-Intervenor,)
 16 TEXAS LEAGUE OF YOUNG VOTERS)
 17 EDUCATION FUND, et al,)
 18 Defendant-Intervenor,)
 19 TEXAS LEGISLATIVE BLACK)
 20 CAUCUS, et al,)
 21 Defendant-Intervenor,)
 22 VICTORIA RODRIGUEZ, et al.,)
 23 Defendant-Intervenor.)
 24 REPORTER'S CERTIFICATION
 25 DEPOSITION OF REPRESENTATIVE MAY HELEN GIDDINGS
 JUNE 6, 20112
 I, Chris Carpenter, Certified Shorthand Reporter in
 and for the State of Texas, hereby certify to the
 following:
 That the witness, REPRESENTATIVE MAY HELEN GIDDINGS,



ESQUIRE
 DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
 Facsimile: 512.328.8139

Suite 220
 3101 Bee Caves Road
 Austin, TX 78746
 www.esquiresolutions.com